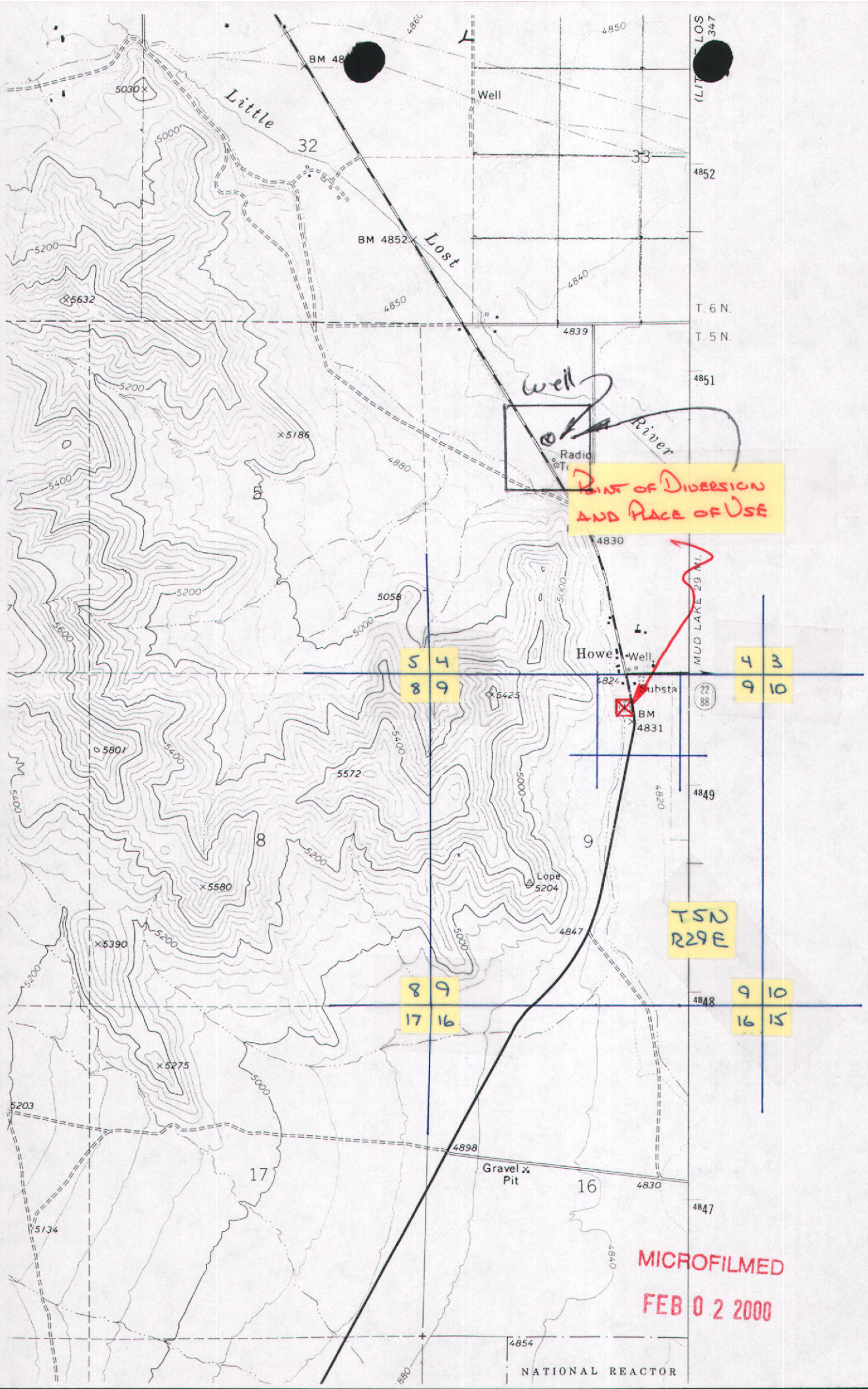
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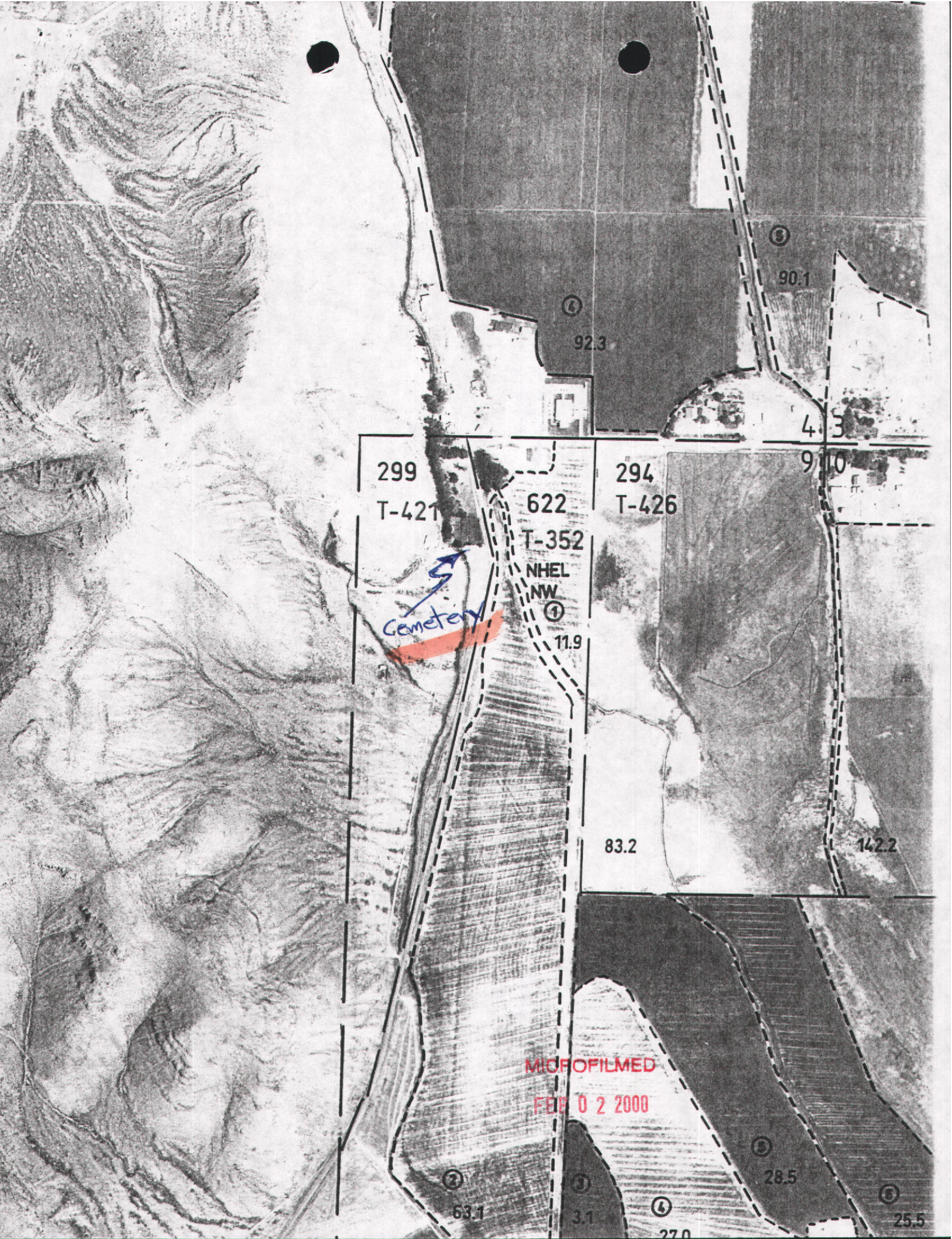
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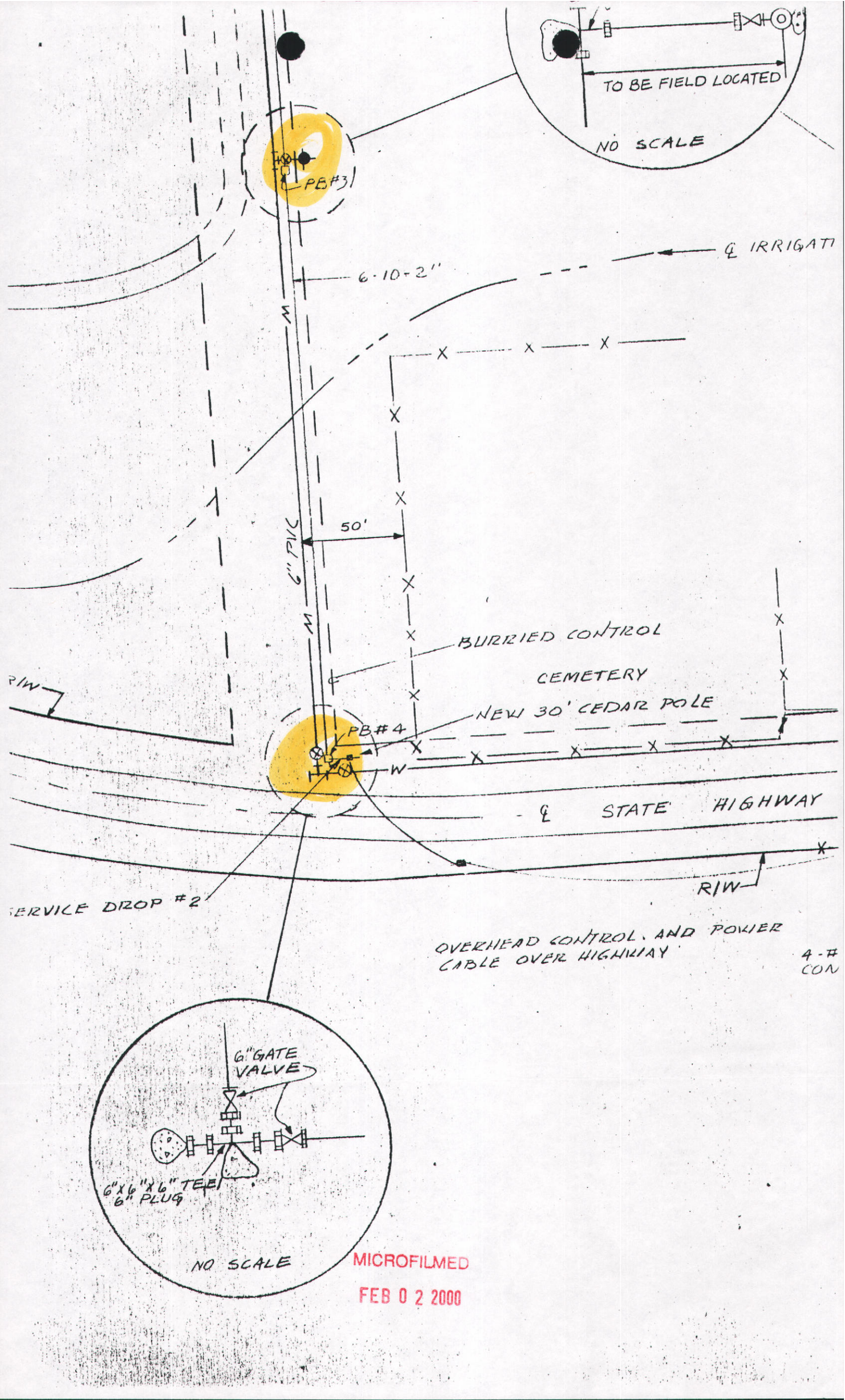

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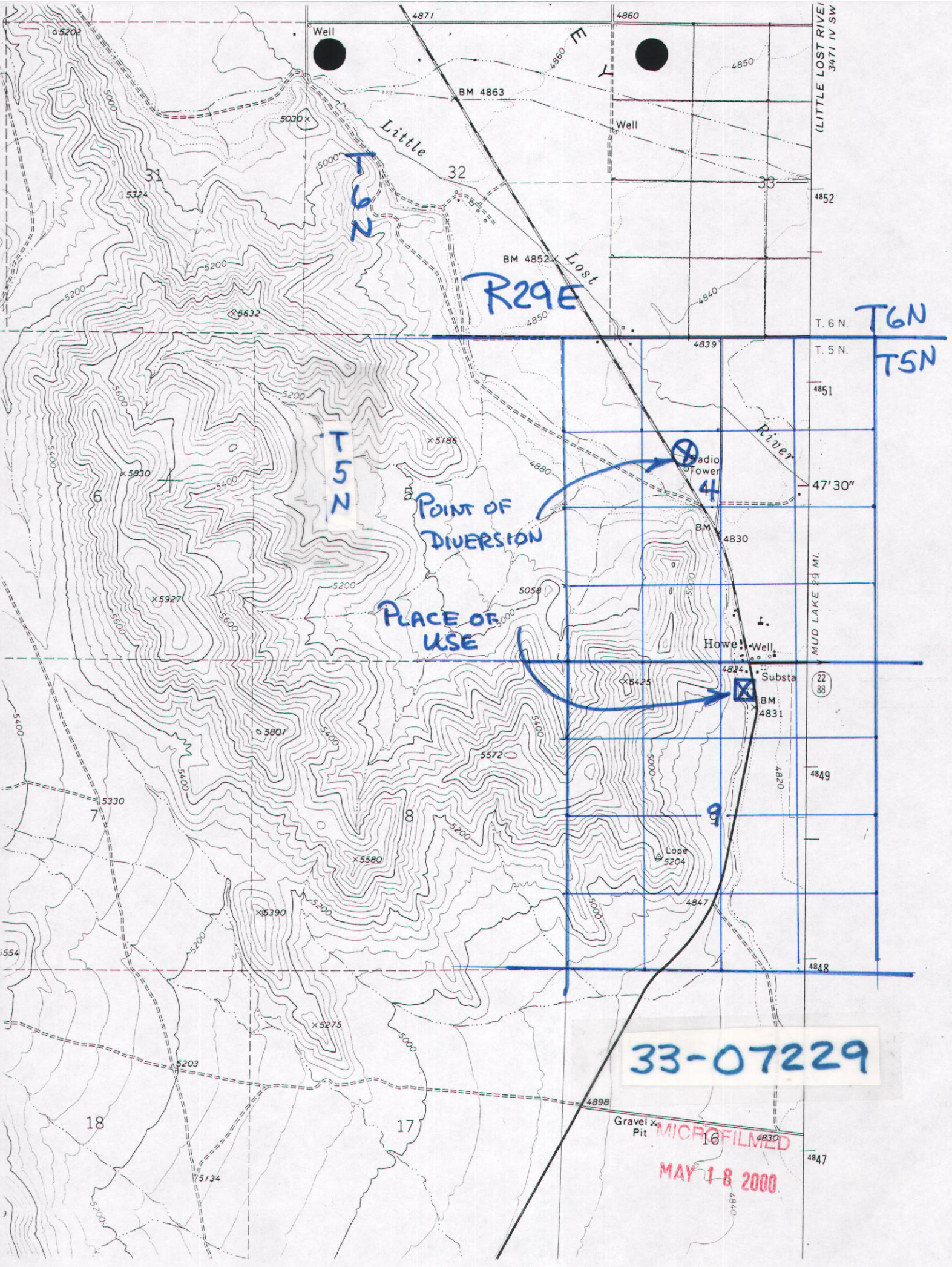
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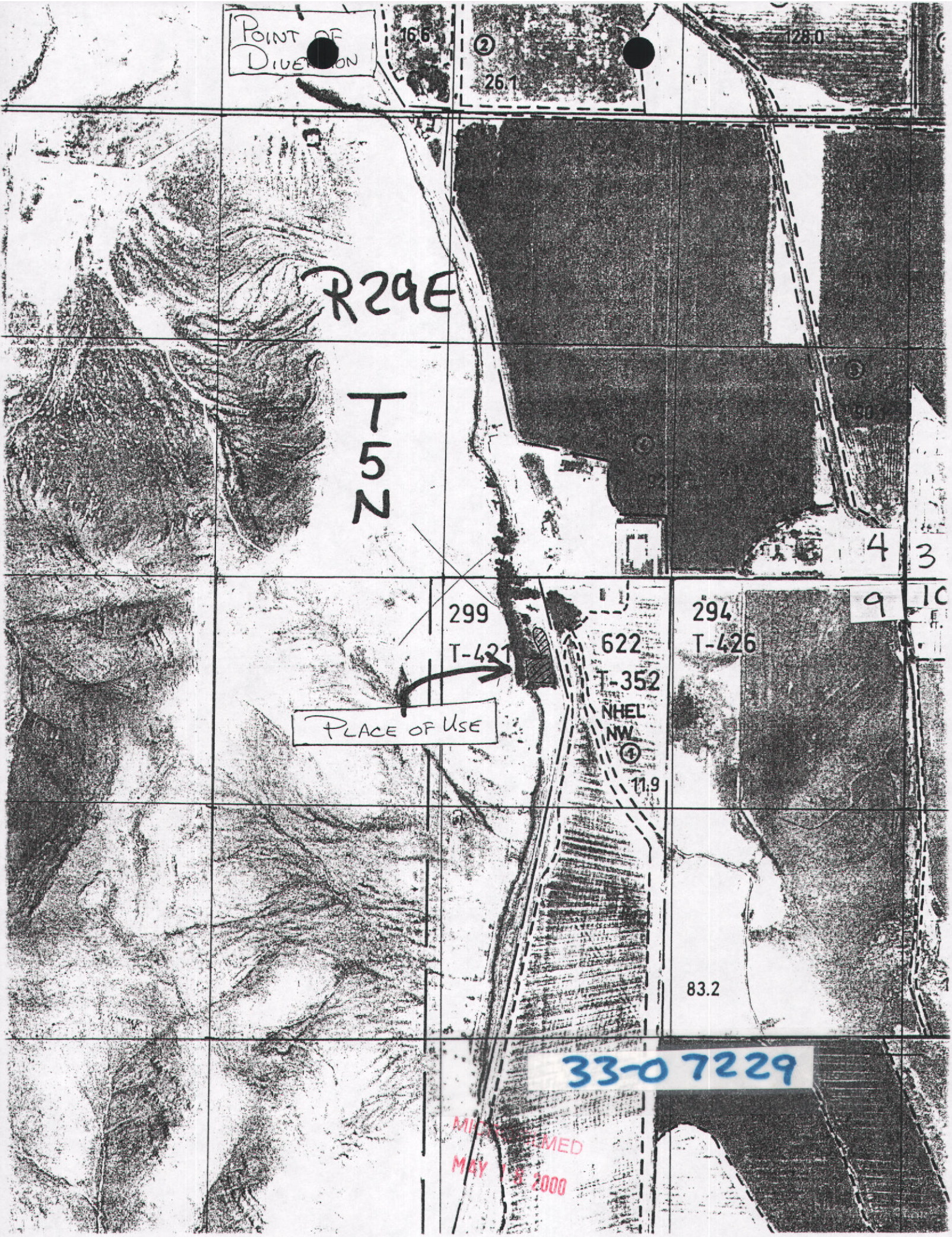
33-07229
MICROFILMED
MAY 18 2000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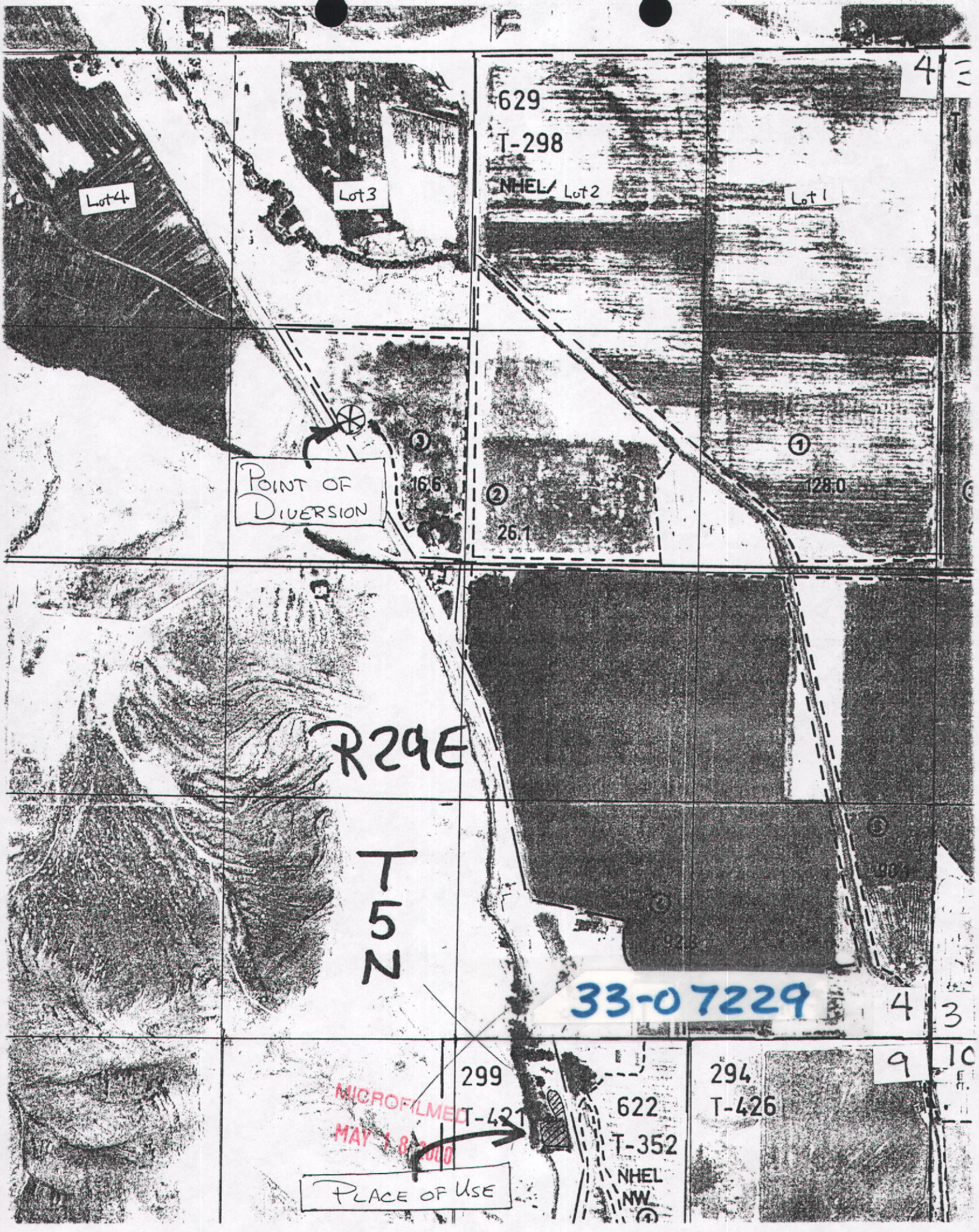
33-07229
MICROFILMED
MAY 18 2000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622
T-352
NHEL
NW
4
294
T-426
PLACE OF USE
MICROFILMED
MAY 18 2000

Lot4

Lot3

629
T-298
NHEL/ Lot2

Lot1

POINT OF DIVERSION

③ 16.6

② 26.1

① 128.0

R29E

T 5 N

⑤ 90.1

④ 92.3

299
T-421

622
T-352
NHEL
NW
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294
T-426

83.2

PLACE OF USE

② 63.1

③ 3.1

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⑤ 28.5

33-07229

POINTS OF DIVERSION 5-2-2000

33-07229

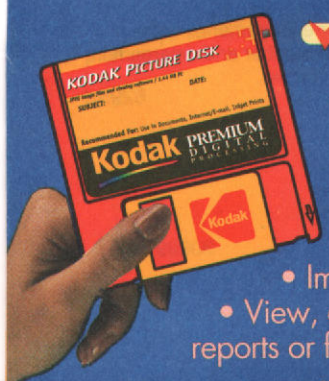
MICROFILMED
MAY 18 2000

PLACE OF USE

MICROFILMED
MAY 18 2000
33-07229

KODAK Picture Disk

The simple way to:



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APPLICATION FOR PERMIT
STATE OFFICE ANALYSIS
Reviewed by Sharla Curtis on 12/22/99

No. 33-07229 **Name:** Butte Co. Cemetery **Corp. Officers** ✓ **Ad ok** ✓ **Govt Lots** —

AREA OF CONCERN: **No/Yes** Snake **Moratorium** _____ **GWMA** **TRUST/NON-TRUST**

GROUNDWATER: (√Flow Chart)

DRILLING PERMIT	
All wells	~~- 046(P23)~~ N/A - see cond 068
Basin 34	- 085
Irr. w/in WD	- **P05**
WMD	- North/East/West
≤ 0.24 cfs/5 acres	- No MD
> 0.24 cfs/5 acres	- 067
~~WMD~~	
Supp irr (irr = only use)	- 065-104
Supp irr (+ other uses)	- 100-105
~~≤ 0.24 cfs/5 acres~~	~~- No MD~~
~~> 0.24 cfs/5 acres~~	- 01M

SURFACE WATER: (√Flow Chart)

F&G contacted	- Yes/No Response _____
In/Above MSF	- WB9
PLANNING SECTION REVIEW/RESPONSE	_____
In-stream development	- **P52**
WD	- R04 (WD# _____)
≤ 0.20 cfs/others	- 01H(P01), 01P or No MD
> 0.20 cfs	- 01J(**P08**)
SPRINGS/SINK, INACTIVE WD & REST OF STATE	
≤ 0.24 cfs/5 acres	- No MD
>0.24 cfs/5 acres	- 01M or No MD

LOCATION:

~~Boise Front LoGeo~~	- 058 (<85 GW)
~~Mitigation~~	- 121
~~42-248 Area~~	- **P84** (20s-70s, 81-86)
~~Swan Falls Flag~~	- _____
~~Trust~~	- 051(**P74**) (consumptive uses)
Non-Trust	- 048-049 (consumptive uses or non-cons. > 1.0 cfs)

RIVER BASINS: (SW special considerations)

Snake R (01)	- W22(**P04**), N/A
(02,03)	- 007 (w/ remark WB9 if above Weiser)
Payette R (65)	- 047(**P04**) (Payette Lake)
Salmon R (70's)	- 029 (fish screens)
Weiser R (67)	- 086-087

USES:

STORAGE	- 18A-01H(**P01**),01P-18B(**P09**)-NA
IRR ≤ 5 ac	- R66/R67/R68/R69 (0.03 cfs/ac)
> 5 ac	- R62/R63/R64/R65 (0.02 cfs/ac)
STOCKWATER	- R37 (BLM/USFS)
MINING	- 054-081(**P10**)
FISH PROP	- 029(70'S only)-007-042-081(**P10**)
HEAT/COOL	- R07(injection well)
FIRE PROT.	- 077

USES:

POWER	- 17H-17K (+uses)-08A-025(**P18**)-01N-081(**P10**)
MUNICIPAL	
Restricted area	- 022,075
Irr., GW supp to SW	- 102
DOMESTIC	
Surface water	- WB5 (Big Wood or Boise above Star Bridge) 27A (Payette R)
>1 in restricted area	- 070-071-075(no parks/common areas, etc)
Irr use listed separate	- WB5
Moratorium approvable	- W03 (2400 gpd – meets domestic definition i.e. D/convenience store)

BENEFICIAL USE DUE: 5 / 01 / 2000

MISC CONDITIONS/REMARKS:

~~Protested~~	- 020-W19
~~Development Period~~	
~~≤ 1 yr~~	- **P16**
~~> 1 yr~~	- 26A(**P17**)
~~Ownership~~	- 004
~~Non-consumptive~~	- 027
~~Water Quality~~	- 081-R07
Multiple pd's per ¼¼	- W32
Subd lot desc (pd)	- W59
Subd lot desc (pu)	- W60
Use definitions	- W02 example – S/50 range
~~Pre-1987 development~~	~~- 068-074 (allow 120 days for proof due)~~
~~Single p/d intended~~	- 076

IRRIGATION SEASON 4/1 - 10/31 (Per updated map) ✓

OTHER CONDITIONS/REMARKS Howe Water Districts rights are 33-07067 (domestic 0.70 cfs) 33-07215 (irr 0.09 cfs)

COMMENTS _____

RECEIVED

DEC 17 1999

DEPARTMENT OF WATER RESOURCES

RECEIVED

DEC 17 1999

Department of Water Resources

Dist for Staffing_____

Submitted for advertising 10-29-99

Butte Co Gaddey

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT ANALYSIS PERMIT

INITIAL REVIEW BY HWJ DATE 10-29-1999 APPLICATION NO. 33-07229

REQUIRED INFORMATION:

- ✓ Name (if applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.)
- ✓ Address
- ✓ Source (See USGS Quad for names of water sources)
- ✓ Point of Diversion (10 acres for spring, lot & block descriptions for subdivision, local name, flow and/or volume)
- ✓ County
- ✓ Quantity (flow and./or volume)
- ✓ Period of Use
- ✓ Nature of proposed use (Include description of use.)
- ✓ Description of diverting works
- ✓ Time required for beneficial use of water
- ✓ Place of use or acres irrigated
- ✓ Map
- ✓ Signature (If applicant is corp., partnership, or municpality, title of signatory is required)
- ✓ Fee
- ✓ Yes _____ No* In form to receipt

ADDITIONAL INFORMATION:

- _____ Overlapping place of use (Describe source & relationship to present application on the back)
- _____ Overlapping point of diversion
- _____ Yes ✓ No Critical groundwater area
- _____ Yes ✓ No Groundwater management area
- _____ Yes ✓ No Send dam safety information
- _____ Yes ✓ No Send fish farm requirement letter
- _____ Yes ✓ No Power residency affidavit
- X Yes _____ No Within trustwater boundary (If yes, attach trust water supplementary analysis sheet)
- _____ Yes ✓ No **Public Water System**
- _____ Yes ✓ No **Planning section review**
- _____ Yes ✓ No **Moratorium Hold file**
- _____ See reverse side for additional information

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT

_____

_____

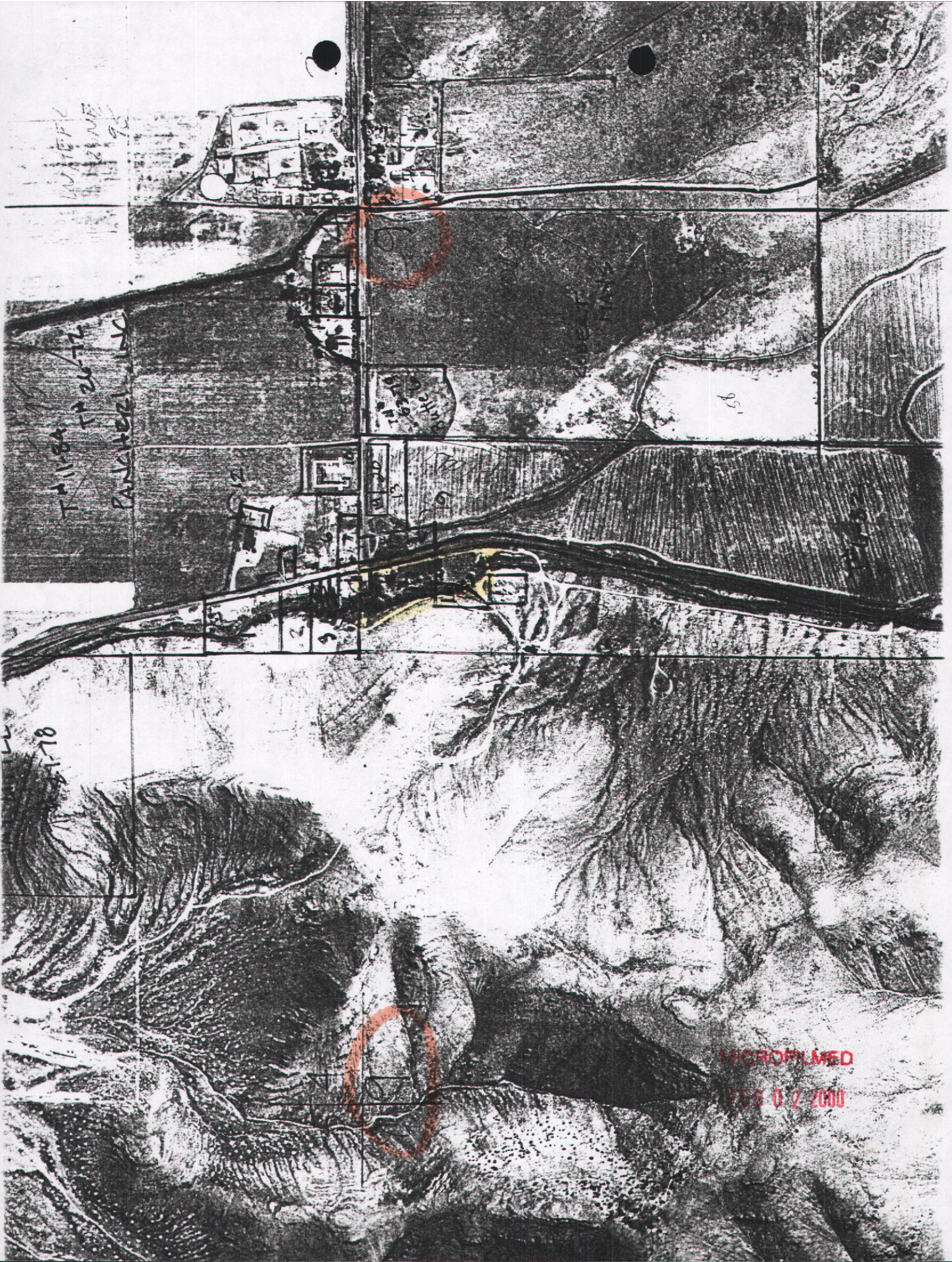
_____ Date Requested_____

PROCESSING:

- ✓ Yes _____ No In form for advertising
- _____ Yes ✓ No Statewide advertising
- ✓ Yes _____ No Fee amount, receipt date & No. recorded on application

SEND COPIES TO:

- _____ Id Dept of Health & Welfare
- _____ Id Dept of Fish & Game
- _____ Id Dept of Lands
- _____ Adjudication Bureau Unit
- _____ U.S. BLM
- _____ U.S. Forest Service
- _____ Water District
- _____ Other _____



MICROFILMED

FEB 0 2 2000

AFFIDAVIT OF PUBLICATION

I, Colleen Babcock
of the Arco Advertiser, a weekly newspaper of general circulation, published weekly at Arco, Idaho, since March, 1909, do solemnly swear that a copy of this notice, per clipping attached, was published weekly in the regular and entire issue of said newspaper, and not in any supplement thereof,

for 2 consecutive weeks, commencing with the issue dated Nov. 18, 1999

and ending with the issue dated Nov. 25, 1999

Colleen Babcock

STATE OF IDAHO }
COUNTY OF BUTTE }

On this 26th day of November in the year of 1999, before me, a Notary Public, personally appeared Colleen Babcock known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Thomas D. [illegible]
Notary Public for Idaho
Residing at Arco, Id
My commission expires: 1-23-2004

NOTICE OF APPLICATION FOR WATER PERMIT

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

33-07229

BUTTE COUNTY CEMETERY
MAINTENANCE DISTRICT
C/O GLENN PHILLIPS
BOX 302
ARCO, ID 83213

Source: GROUNDWATER
Diversion Pt: SENW Sec 4 T 05N R 29E in BUTTE County.
Use: IRRIGATION (0.030 CFS)
Total Diversion: (0.030 CFS)
Date Filed: 10/29/1999
In: BUTTE County
T05N R29E S09 NWNE
1.0 ACRES TOTAL

This is a pre-1987 use whereby we have used water from the Howe Water District well under contract.

Any protests against the proposed application must be filed with the Dept. of Water Resources, 900 N Skyline Dr., Ste A, Idaho Falls, ID 83402, together with a protest fee of $25.00 on or before DECEMBER 6, 1999 to be considered by the Department in its decision to grant or deny any part of the proposed application. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Published: 11/18/199 & 11/25/1999

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FEB 0 2 2000

State of Idaho
Department of Water Resources

Water Right License

WATER RIGHT NO. 33-07229

Priority: October 29, 1999 — Maximum Diversion Rate: 0.03 CFS; Maximum Diversion Volume: 3.5 AF

This is to certify, that BUTTE COUNTY CEMETERY
MAINTENANCE DISTRICT
C/O GLENN PHILLIPS
PO BOX 302
ARCO ID 83213-0302 has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated October 29, 1999; and has submitted Proof of Beneficial Use on January 18, 2000. An examination indicates that the works have a diversion capacity of 0.120 cfs of water from a **GROUNDWATER** source, and a water right has been established as follows:

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION	ANNUAL VOLUME
IRRIGATION	04/01 to 10/31	0.03 CFS	3.5 AF

LOCATION OF POINT(S) OF DIVERSION: SENW , Sec. 4, Township 05N, Range 29E
BUTTE County

PLACE OF USE: IRRIGATION

TWN	RGE	SEC		ACRES	ACRES	ACRES	TOTAL
05N	29E	9	NWNE	1			1

Total number of acres irrigated: 1

CONDITIONS OF APPROVAL AND REMARKS

1. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
2. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
3. Right 33-07067 is also diverted through the point of diversion described above.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Signed and sealed this 11TH day of MAY, 2000.

Acting for KARL J. DREHER, Director

MICROFILMED
MAY 18 2000

Form No. 217
7/94

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JAN 18 2000
Department of Water Resources

FOR OFFICE USE ONLY
Amt. of Fee $: 50.00
Receipt No. 0047725
Receipt By: JM
Date Receipted: 1-18-00

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 33-07229 Telephone No. 208 527 3342 (208 554 3124)

2. Name(s) of Permit Holder(s): BUTTE COUNTY CEMETERY MAINTENANCE DISTRICT

3. Mailing Address: P.O. Box 302 Arco, Idaho 83213 0302

4. Source of Water: GROUNDWATER If **GROUNDWATER** (well), Date Drilled: mo. ____ / yr. ____ As soon as permit isapproved.

a. Well Driller: GUTHERIE DRILLING Moore, Id. Drilling Permit Number: ____-____-____-____

b. *OPTIONAL:*
Pump Horsepower: 15 HP Pressure (psi): ____ Dynamic pumping level (ft): ____

5. Use(s) (as authorized by the water right permit):

Domestic (No. of households): ____ Stockwater (No. and type of stock): ____

Irrigation (No. of acres): ____ Other: Irrigation for a county cemetery

6. Total rate of diversion and/or volume for which proof is submitted: 0.03 cfs **OR** ____ acre feet

7. Measuring Device Requirement: **(refer to the approval conditions on your permit and respond accordingly)**
(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device:	Is a measuring device required?	Yes ____ or	No X
	Has the measuring device been installed?	Yes ____ or	No ____
Flow Measurement Port:	Is a flow measurement port required?	Yes ____ or	No X
	Has the measurement port been installed?	Yes ____ or	No ____

8. Fee Enclosed: $ 50.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)

9. Person to contact to accompany the Department representative during field examination of the water system.
Name: 1. Glenn A. Phillips 2 Forrest Scouten Telephone Number: 208 527 3342 208 554 3124
Address: P.O. Box 181 Arco, Id. 83213 0181 P.O. Box 462 Moore, Idaho 83255 0462

10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: Glenn A. Phillips Date: 01-10-00
(include your title, if on behalf of company of organization)

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FEB 02 2000

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 33-07229

Priority: October 29, 1999 Maximum Diversion Rate: 0.03 CFS

This is to certify, that **BUTTE COUNTY CEMETERY**
MAINTENANCE DISTRICT
C/O GLENN PHILLIPS
PO BOX 302
ARCO ID 83213
has applied for a permit to appropriate water from: **GROUNDWATER**

and a permit is **APPROVED** for development of water as follows:

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION
IRRIGATION	04/01 to 10/31	0.03 CFS

LOCATION OF POINT(S) OF DIVERSION: SENW , Sec. 4, Township 05N, Range 29E
BUTTE County

PLACE OF USE: IRRIGATION

TWN	RGE	SEC		ACRES	ACRES	ACRES	TOTAL
05N	29E	9	NWNE	1.0			1.0

Total number of acres irrigated: 1.0

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of application of water to beneficial use shall be submitted on or before **May 1, 2000.**
2. Subject to all prior water rights.
3. Any license issued by IDWR pursuant to the right or portion thereof for the use of trust water is subject to a term review of 20 years after the date of this approval to determine availability of water for the use and to re-evaluate the public interest at the end of the term.
4. The issuance of this right does not grant any right-of-way or easement across the land of another.
5. This permit does not authorize the construction of any new well or the deepening or enlargement of any existing well.
6. This right does not authorize the irrigation of land not previously irrigated.
7. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

MICROFILMED
FEB 0 2 2000

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 33-07229

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this

29th day of December, 1999.

Karl J. Dreher, Director

for

MICROFILMED
FEB 0 2 2000

FORM 202
2/96

Ident. No. 33-07229

RECEIVED
DEC 17 1999
Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant Butte County Cemetery Maintainance Distrct c/o Glenn Phillips Phone 208-527-3342
   Mailing address Box 302 Arco, ID 83213
2. Source of water supply Groundwater which is a tributary of _____
3. Location of point of diversion is Township 5N Range 29E Sec. 4, in the _____ 1/4, SE 1/4, NW 1/4, Govt. Lot _____, B.M., Butte County;
   additional points of diversion if any: _____
4. Water will be used for the following purposes:
   Amount 0.03 cfs (cfs or acre-feet per annum) for Irrigation purposes from 4-15 to 10-15 (both dates inclusive)
   Amount _____ (cfs or acre-feet per annum) for _____ purposes from _____ to _____ (both dates inclusive)
   Amount _____ (cfs or acre-feet per annum) for _____ purposes from _____ to _____ (both dates inclusive)
   Amount _____ (cfs or acre-feet per annum) for _____ purposes from _____ to _____ (both dates inclusive)
   Amount _____ (cfs or acre-feet per annum) for _____ purposes from _____ to _____ (both dates inclusive)
   Amount _____ (cfs or acre-feet per annum) for _____ purposes from _____ to _____ (both dates inclusive)
5. Total quantity to be appropriated is (a) 0.03 cfs (cubic feet per second) and/or (b) _____ (acre feet per annum)
6. Proposed diverting works:
   a. Describe type and size of devices used to divert water from the source Howe Water Distrct Well through water meters to Sprinklers
   b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet
   c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet
   d. Is ground water with a temperature of greater than 85° F being sought? _____
   e. If well is already drilled, when? 1979; Drilling firm _____;
   Well was drilled for (well owner) Howe Water District; Drilling Permit No. _____
7. Time required for completion of works and application of water to proposed beneficial use is 1 years (*minimum 1 year*)
8. Description of proposed uses (*if irrigation only, go to item 9*):
   a. Hydropower; show total feet of head and proposed capacity in KW. _____
   b. Stockwatering; list number and kind of livestock. _____
   c. Municipal; show name of municipality. _____
   d. Domestic; show number of households. _____
   e. Other; describe fully. _____

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FEB 02 2000

9. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of the use (*example: D for Domestic*) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	N E				N W				S W				S E				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
5N	29E	9		1															1

Total number of acres to be irrigated 1

10. Describe any other water rights used for the same purposes as described above. None

11. a. Who owns the property at the point of diversion? Howe Water District

b. Who owns the land to be irrigated or place of use? Applicant

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing:

12. Remarks: This is a pre-1987 use whereby we have used water from the Howe Water District well under contract.

Ferrest Scouten 554-3124

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Glenn A. Phillips, Chairman

Signature of Applicant (and title, if applicable)

DEC 1 1 1999

Received by HWJ Date _____ Time _____ Preliminary check by _____

Fee $ 50.00 Receipted by HWA # E025418 Date 10-29-99

Publication prepared by SE Date 11-18 & 11-25-99 Published in Arco Advertiser

Publication approved _____ Date 12/9/99

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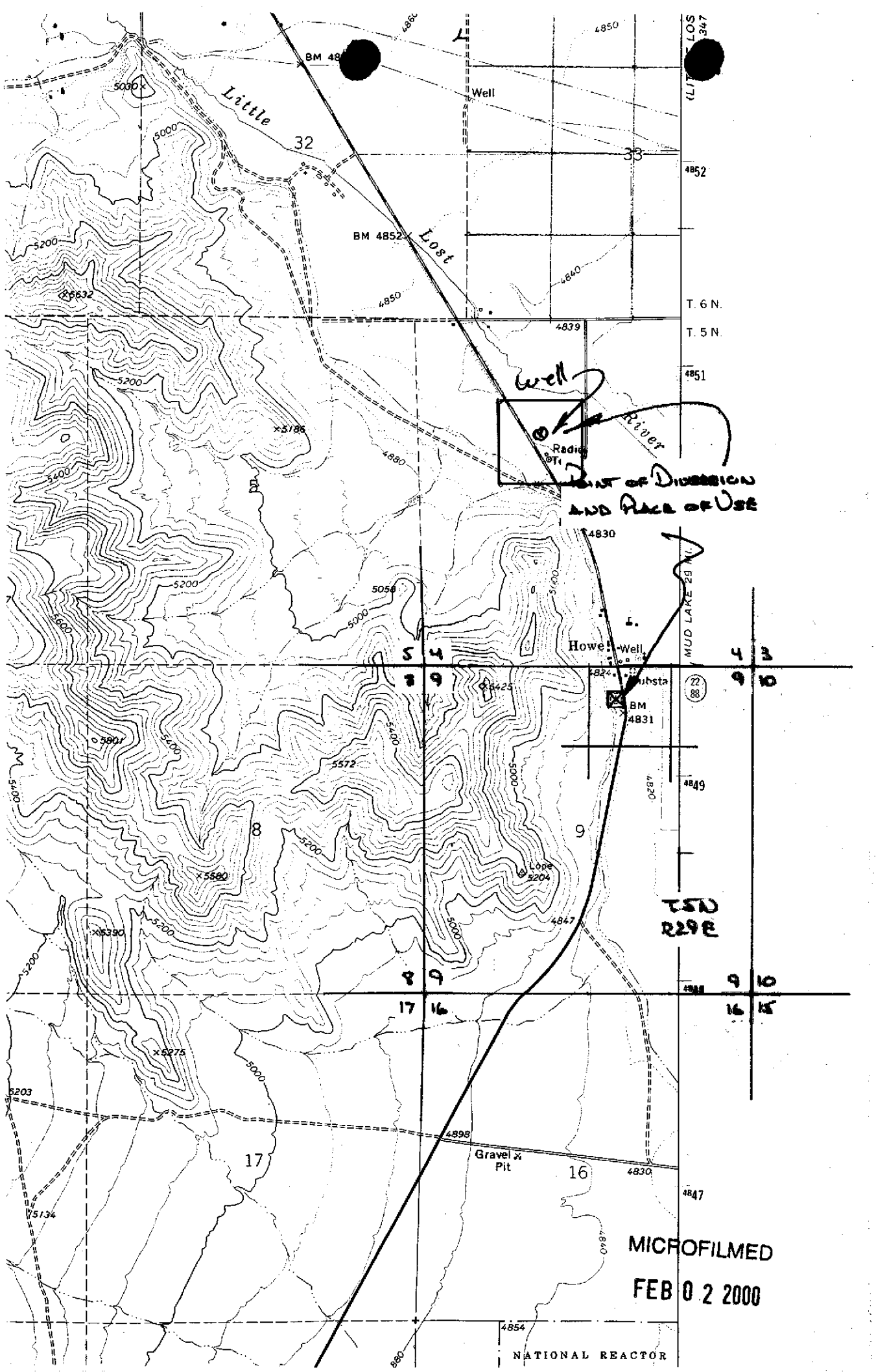

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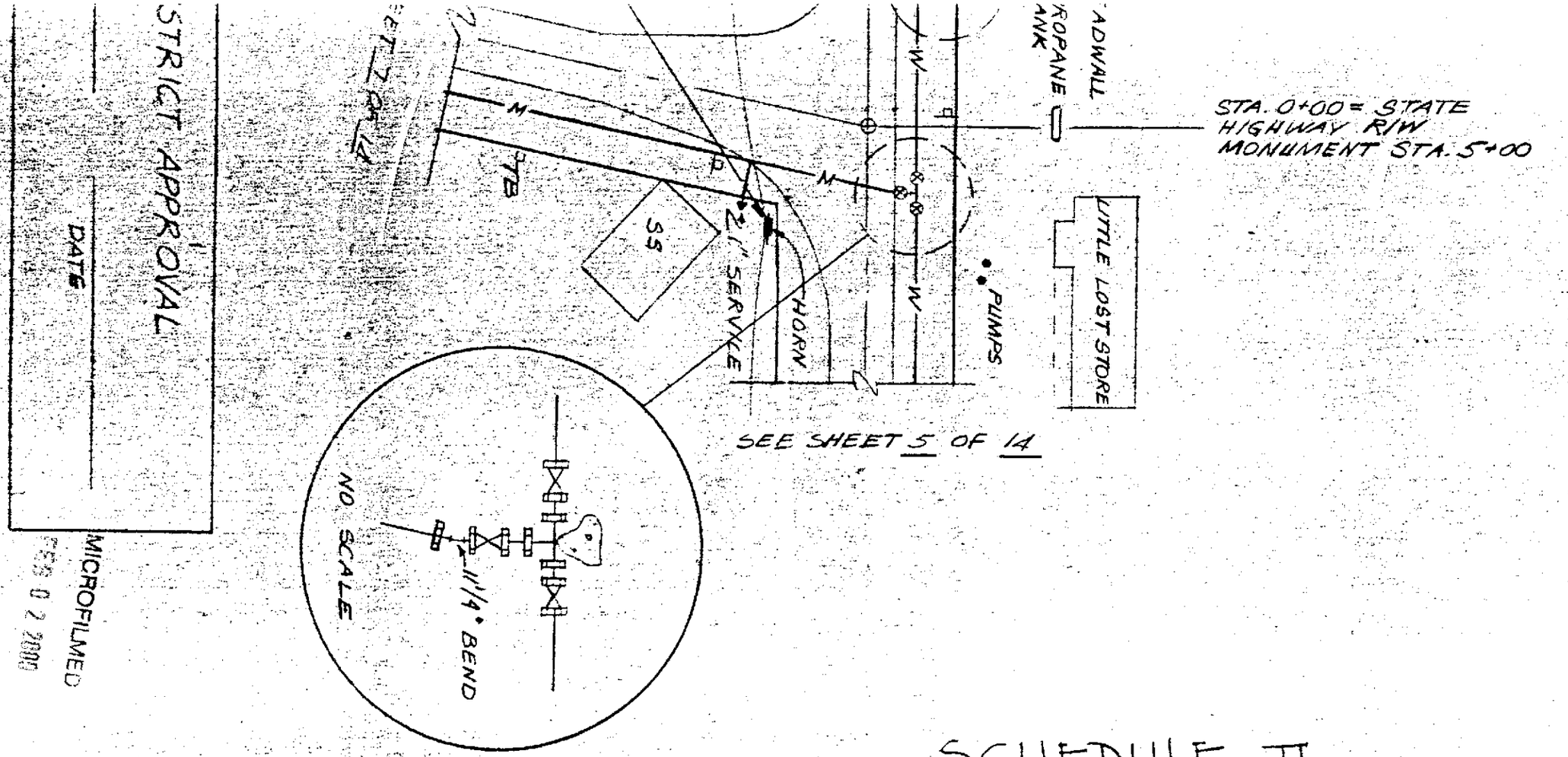
NW
11.9
Cemetery
294
T-426
83.2
0 2 2000



SCHEDULE II

3-23

DRAWING NO. 81005	SHEET 4 OF 14	HAMILTON & VOELLER, INC. VALUE ENGINEERING	HOWE WATER SYSTEM IMPROVEMENT DISTRICT LINES NEW ACCESS ROAD (CONT.) TO STATE HIGHWAY 22 (SOUTH OF HOWE)	SCALE 1" = 50' DRAWN BY TJB / CHECKED BY DATE 3-9-79 / JOB NUMBER 81005.11 SHEET 4 OF 14 DRAWING NUMBER 81005

A B C

HAMILTON & VOELLER FORM NO. 3

CONTROL BUILDING & DETAILS

CAL SYSTEMS

B

I LEGEND

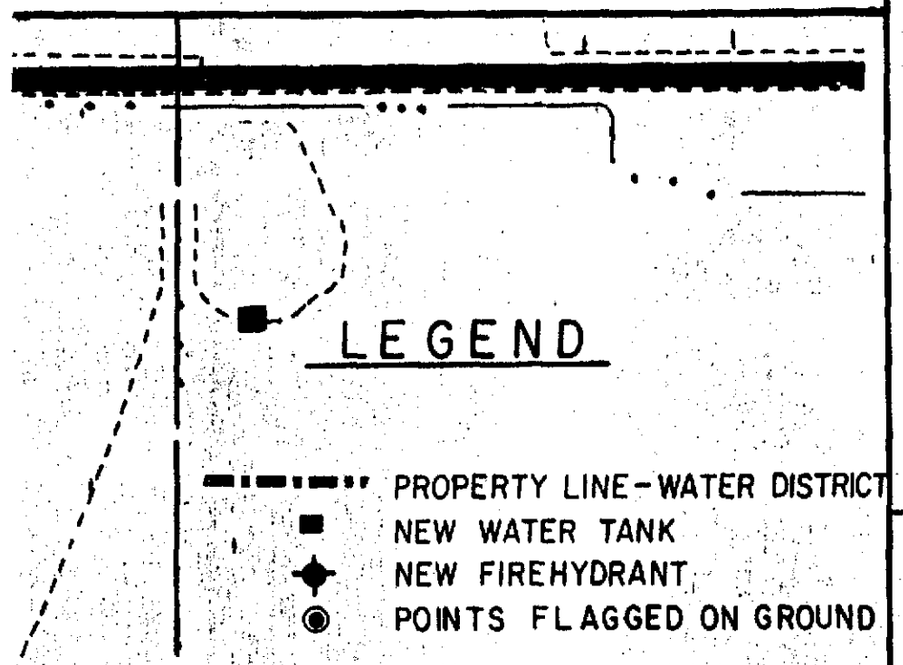
HYDRANT W/ GATE VALVE

VALVE

TOP

BASIN

E HYDRANTS & SERVICE LINES -
TOPS TO BE FIELD LOCATED BY
IGINEER



WATER DISTRICT APPROVAL

VOEL DATE

SW1/4 NE 1/4

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FEB 0 2 2000

1

SCALE 1"= 300'	CHECKED BY	JOB NUMBER 81005.11
DRAWN BY TJB		
DATE 3-21-79	SHEET 2 OF 14	
DRAWING NUMBER 81005		

HOWE WATER SYSTEM IMPROVEMENT
DISTRIBUTION LINES
INDEX SHEET & VICINITY MAP

B

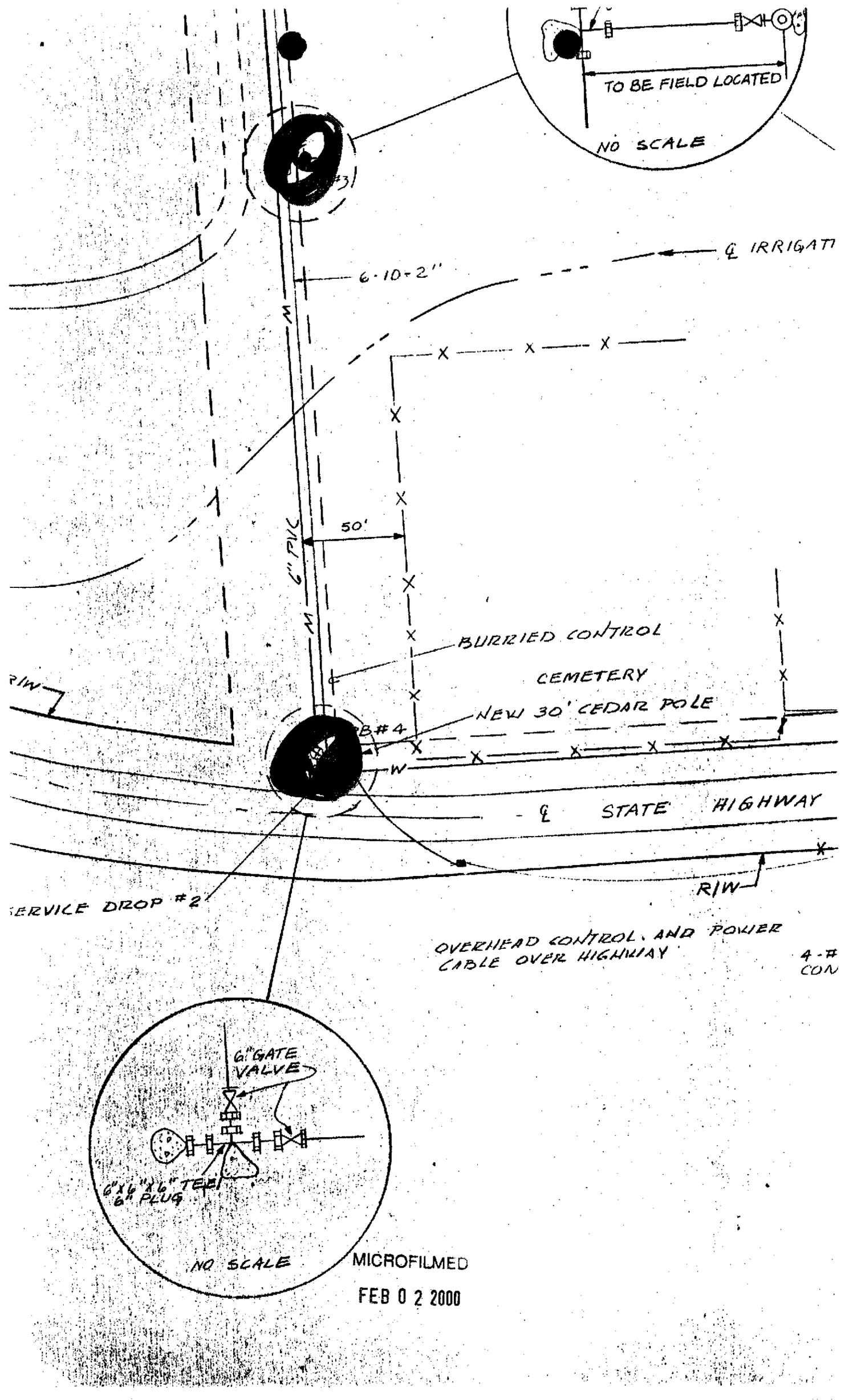
HAMILTON & VOELLER, INC.
VALUE ENGINEERING

A

SHEET 2 OF 14

DRAWING NO. 81005

HAMILTON & VOELLER FORM NO. 3



MICROFILMED
FEB 0 2 2000

SNAKE RIVER BASIN ADJUDICATION
CHANGE IN ADDRESS OF NOTICE OF CLAIM

0 ads' pd 3-1-02

Claim Number(s): 33-7229

Previous Mailing Address: _____

New Mailing Address: Butte Co. Cemetery Dist.
Jeff Simpson
Po Box 3
Arco, ID 83213

Telephone Number: (208) 527-8528 FAX: 527-8590

Signature of Claimant(s): _____

Please return this completed form to:

Adjudication Bureau
Idaho Dept. of Water Resources
1301 N. Orchard St.
Boise, ID 83706-2237
Ph. 1/800/451-4129 or
FAX 208/327-5400

Adjudication Bureau
Idaho Dept. of Water Resources
2735 Airport Way
Boise, ID 83705-5082
Ph. 208/334-2190 or
FAX 208/334-2348

Thanx, Jeff! - Lacey

Adjudication Bureau
Idaho Dept. of Water Resources
1341 Fillmore St., Ste. 200
Twin Falls, ID 83301-3380 or
FAX 208/736-3037

Adjudication Bureau
Idaho Dept. of Water Resources
900 N. Skyline, Ste. A
Idaho Falls, ID 83402-3653 or
FAX 208/525-7177

SS
ADDRESS FM
Revised 12/13/1999

IDWR Use Only:
Data Entry: _____ Date: _____

updated 2-10-04

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

May 12, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

BUTTE COUNTY CEMETERY
MAINTENANCE DISTRICT
C/O GLENN PHILLIPS
PO BOX 302
ARCO ID 83213-0302

RE: WATER RIGHT NO. 33-07229

Dear Water Right Holder(s):

The Department of Water Resources (the Department) has issued the enclosed license confirming that a water right has been established in accordance with the permit referenced above. The license is a **preliminary order** issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

Also, please note that water right owners are required to report any change of water right ownership and/or change of mailing address to the department within 120 days of the change. Failure to report these changes could result in a $100 late filing fee. Contact any office of the department or visit the department's homepage on the Internet to obtain the proper reporting form.

If you have any questions, please call me at 208-327-7946.

Sincerely,

Sharla Curtis

for Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

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MAY 18 2000

CERTIFICATE OF MAILING

I hereby certify that on the **12th** day of **May, 2000**, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER (Approved License)** to the person(s) listed below:

Water Right No. 33-07229

BUTTE COUNTY CEMETERY
MAINTENANCE DISTRICT
C/O GLENN PHILLIPS
PO BOX 302
ARCO ID 83213-0302

Kari Lynn Townsend
Secretary

MICROFILMED

MAY 18 2000

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. **A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief as further described below.**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the Department within fourteen (14) days of the service date of the order. The Department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3), Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from a preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have fourteen (14) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

CERTIFICATE OF SERVICE

All documents intended to be part of the Department record in connection with a preliminary order shall be served upon the representatives of each party of record. Every document filed with and intended to be part of the agency record must be attached to or accompanied by proof of service by the following or similar certificate.

> I HEREBY CERTIFY (swear or affirm) that I have this day of , served the foregoing (name(s) of document(s)) upon all parties of record in this proceeding, (by delivering a copy thereof in person: (list names)) (by mailing a copy thereof, properly addressed with postage prepaid, to: (list names)).
> (Signature)

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MAY 18 2000

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case.

FINAL ORDER

The Department will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Department may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The Department will serve a copy of the final order on all parties of record.

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when (a) the petition for reconsideration is disposed of; or (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

RIGHT TO HEARING

Pursuant to Section 42-1701A(3), Idaho Code, unless the right to a hearing before the Department is otherwise provided by statute, any person aggrieved by any decision, determination, order, or action of the Department or any applicant for any permit, license, certificate, approval, registration, or similar form of permission required by law to be issued by the Department, who is aggrieved by a denial or conditional approval ordered by the Department, and who has not previously been afforded an opportunity for a hearing on the matter shall be entitled to a hearing before the Department to contest the denial or conditional approval upon filing with the Department, within fifteen (15) days after receipt of the denial or conditional approval, a written permission stating the grounds for contesting the action by the director and requesting a hearing.

APPEAL OF FINAL ORDER TO DISTRICT COURT

If a preliminary order becomes final, any party aggrieved by the final order or orders previously issued in the case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which (a) a hearing was held, or (b) the final agency action was taken, or (c) the party seeking review of the order resides, or (d) the real property or personal property that was the subject of the agency action is located. The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal. See Sections 67-5270 through 67-5273, Idaho Code.

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MAY 18 2000

Form 219
6/92

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

BENEFICIAL USE FIELD REPORT

RECEIVED
MAY 8 - 2000
Department of Water Resources

A. GENERAL INFORMATION

Permit No. 33-07229

1. Owner: Butte County Cemetery Maintenance District c/o Glenn A. Phillips Phone No. (208) 527-3342

Current Address: P.O. Box ~~151~~ 302 Arco, Id 83213-0302

2. Accompanied by: Glenn Phillips EXAM DATE: 5-3-2000

Address: P.O. Box Phone No. 208 527-3342
208 589-1581 (cell)

Relationship to Permit Holder:

3. Source: GROUNDWATER tributary to

B. OVERLAP REVIEW

1. Other water rights with the same place of use: NONE

2. Other water rights with the same point of diversion: 33-07067

C. DIVERSION AND DELIVERY SYSTEM

1. **Point(s) of Diversion:**

Ident No.	Gov't Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
			SE	NE	4	5N	29E	Butte	On site / FSA Aerial

2. **Place(s) of Use:** Indicate Method of Determination On site / FSA / Aerial

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
5N	29E	9		1.0															1.0

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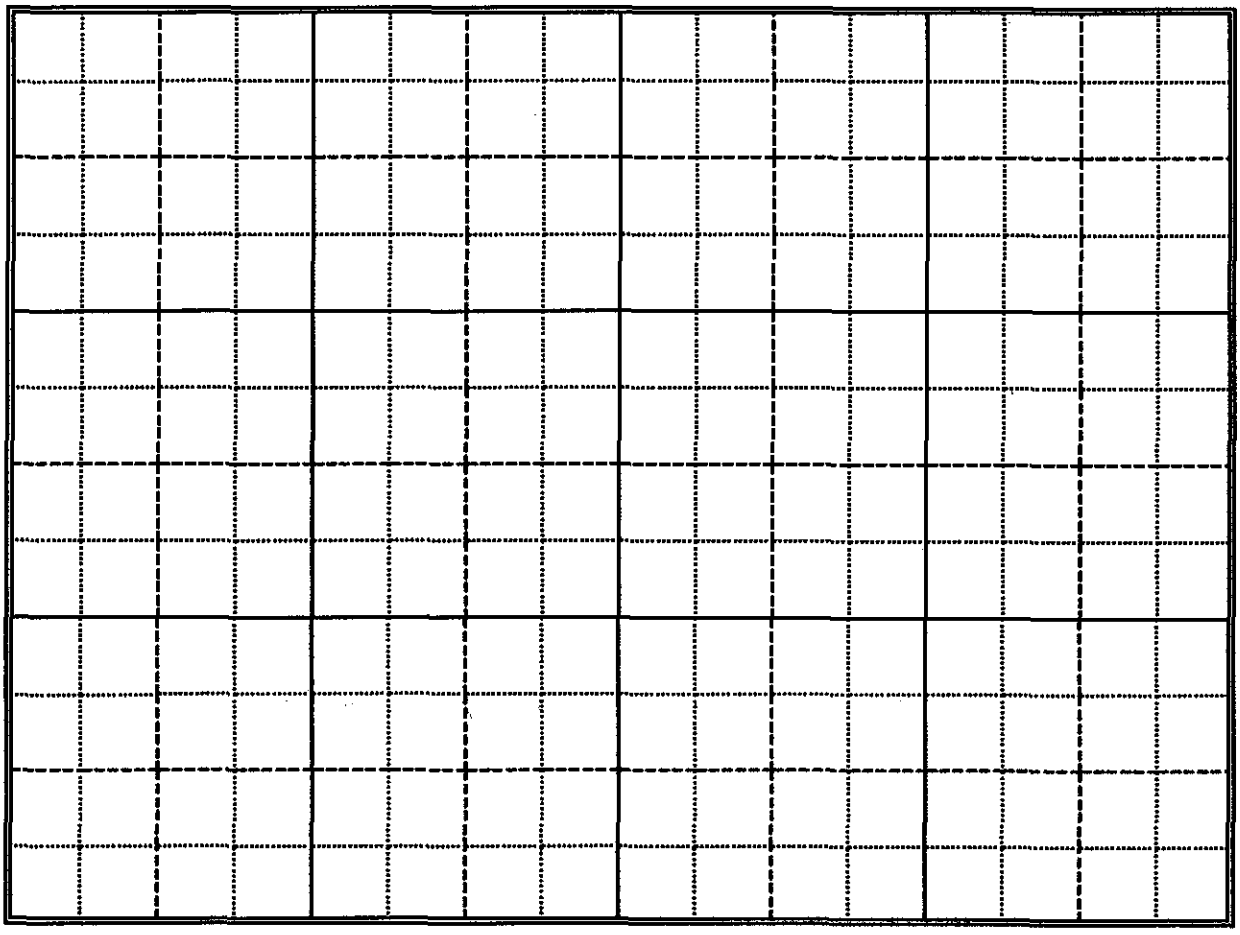
MAY 18 2000

3. **Delivery System Diagram**: Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.



Scale: 1" = _____.

____ Copy of USGS Quadrange Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

____ Aerial Photo Attached (required for irrigation of 10+ acres)

____ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	Submersible	20*			

Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS Theoretical

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. **Measurements:** Pressure ≈ 30 psi @ Place of Use
Maximum of 16 Sprinklers (5/32" nozzles)

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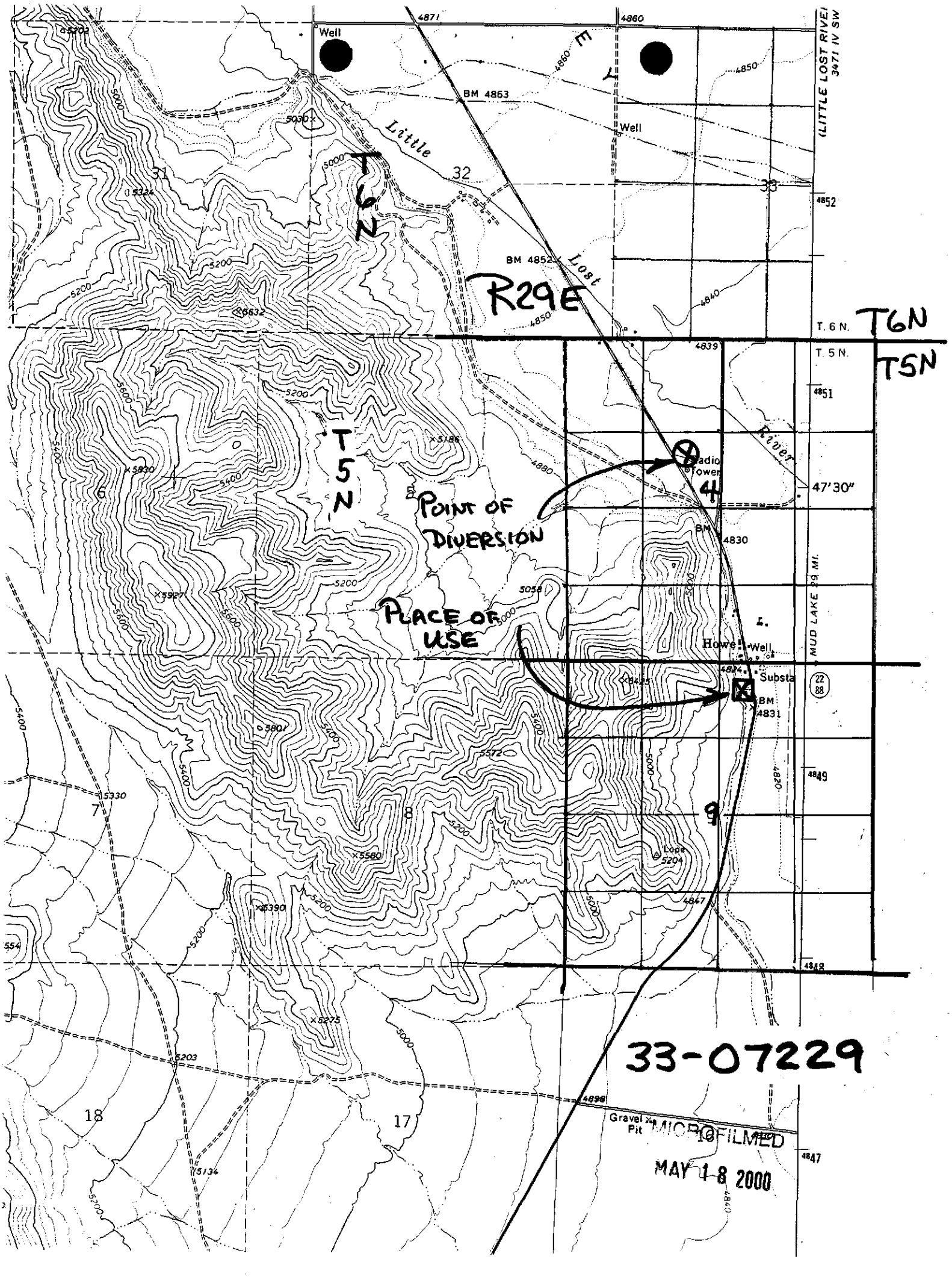

33-07229

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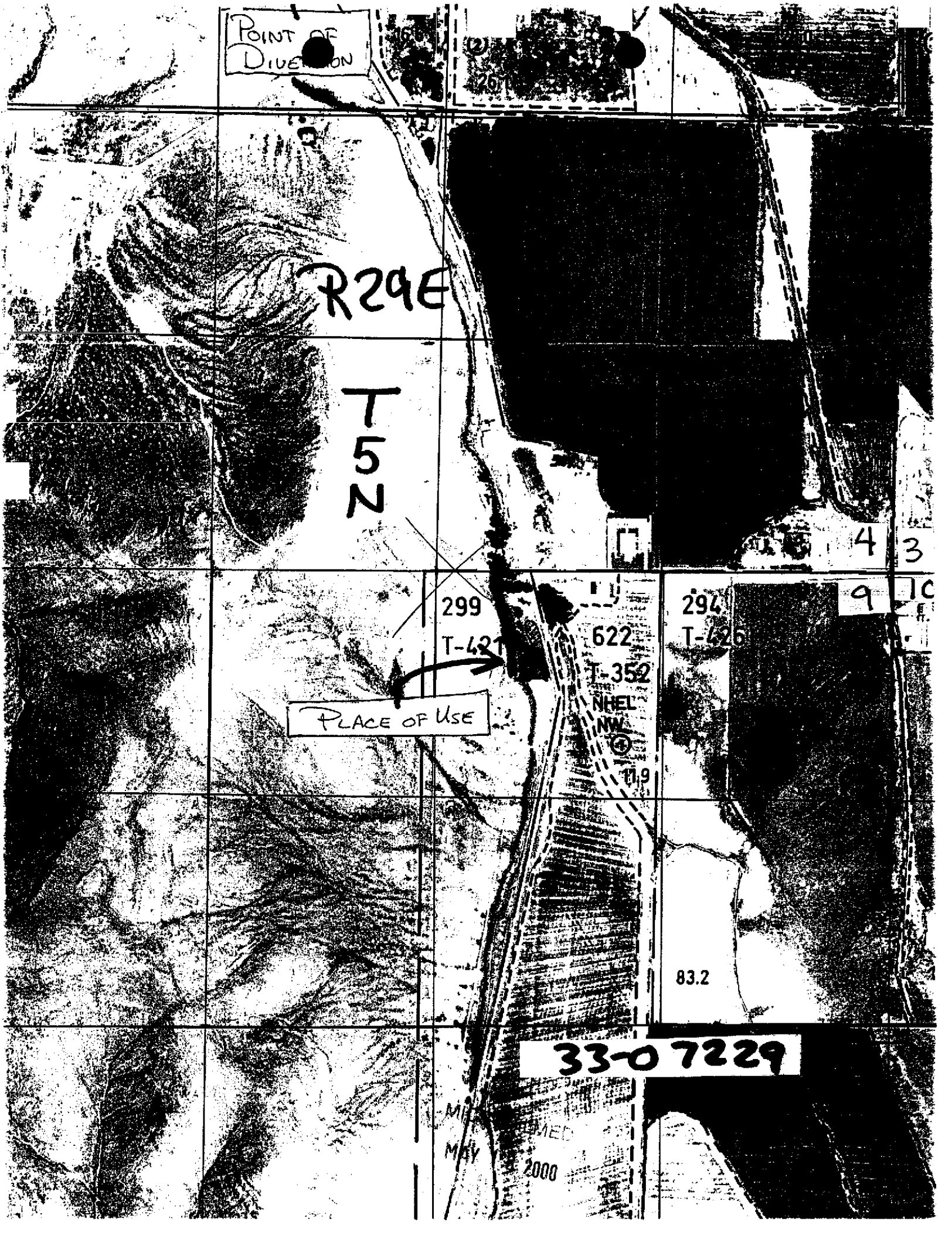
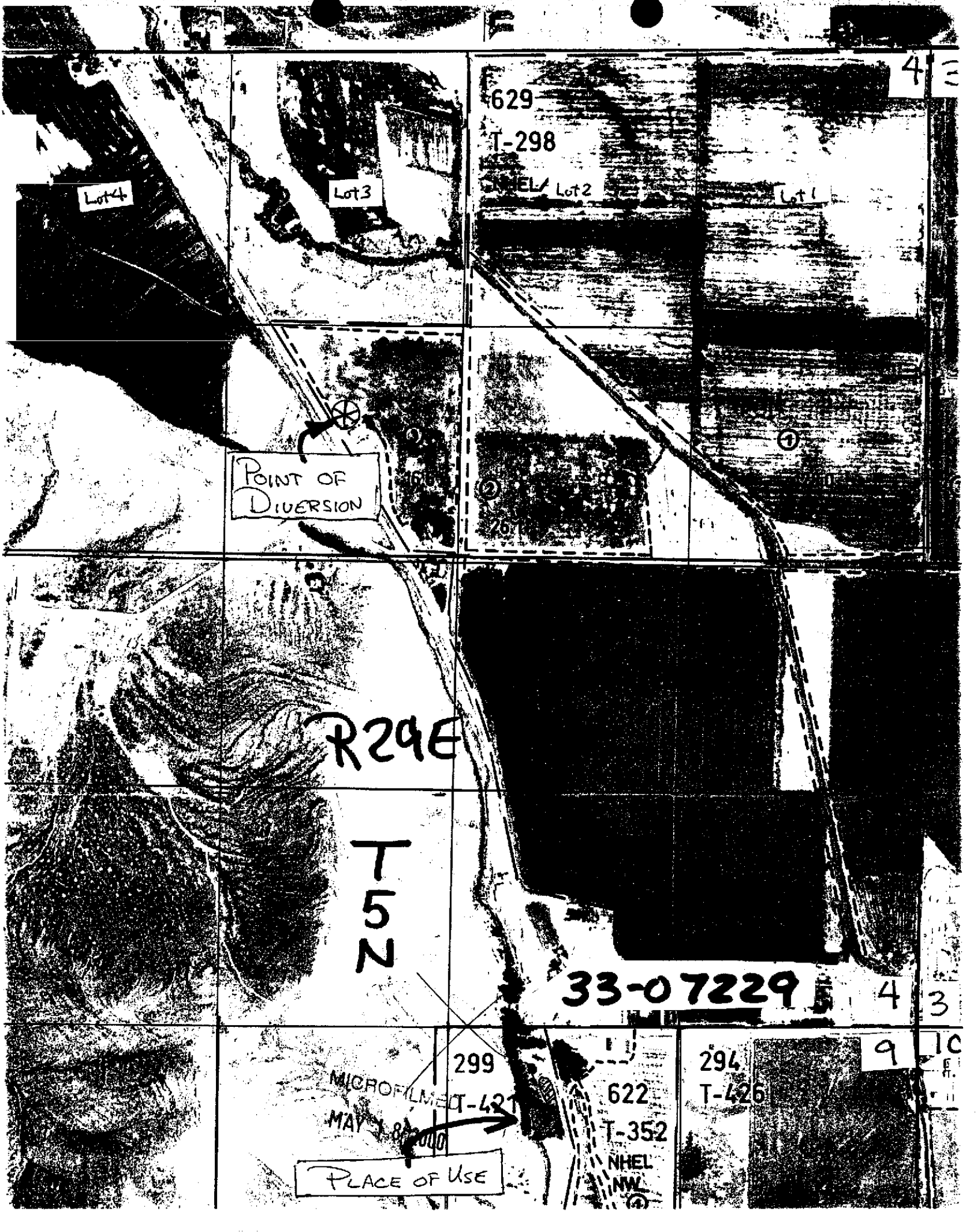
MAY 18 2000


POINT OF DIVERSION
R29E
T5N
299
T-421
PLACE OF USE
622
T-352
NHEL
NW
11.9
294
T-426
83.2
4
3
9
33-07229
MAY
2000


629
T-298
NHEL
Lot 4
Lot 3
Lot 2
Lot 1
POINT OF DIVERSION
R29E
T
5
N
33-07229
299
T-421
622
T-352
NHEL
NW
294
T-426
MICROFILMED
MAY
PLACE OF USE

Lot 4
Lot 3
629
T-298
Lot 2
Lot 1
POINT OF DIVERSION
R29E
T 5 N
299
T-421
622
T-352
NHEL
NW
10.9
294
4
3
9
10
83.2
27.0
PLACE OF USE

1 8 2008

E. NARRATIVE/REMARKS/COMMENTS

Two wells to storage tank with distribution lines to customers of Howe Water Dist. (33-7067)

* Note: The 20hp submersible pump was laying beside Pump housing on North most well.

Have conditions of permit approval been met? ✓ yes ___ no

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MAY 1 8 2008

F. FLOW CALCULATIONS ____ Additional Computation Sheets Attached

Measured Method:

@ 20psi 5/32" nozzles deliver 3.26gpm/nozzle for 16 nozzles

Q = 16 (3.26gpm/nozzle) = 52.16gpm = 0.12cfs

Q LIMITED By permit 1/ 0.03cfs/ac

Q = 0.03cfs

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.}$ = (Acres Irrigated) x (Irrigation Requirement) = 1ac x 3.5 = 3.5

$V_{D.R.}$ = [Diversion Rate (cfs)] x (Days in Irrigation Season) x 1.9835 = 0.03(214)1.9835 = 12.7

V = Smaller of $V_{I.R.}$ and $V_{D.R.}$ = 3.5

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use From	Period of Use To	Rate of Diversion Q (cfs)	Annual Volume V (afa)
IRRIGATION	4/1	11/1	0.03	3.5
		Totals:	0.03	3.5

2. Recommended Amendments

___ Change P.D. as reflected above ___ Add P.D. as reflected above ✓ None

___ Change P.U. as reflected above ___ Add P.U. as reflected above ___ Other

I. AUTHENTICATION

Field Examiner's Name KEITH C WILSON Date 5/3/2000

Reviewer _____ Date _____ SEAL

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MAY 18 2000

RECEIVED
MAY 15 2000
Department of Water Resources

MEMORANDUM

To: Vault

May 11, 2000

From: Keith C. Wilson

RE: Field Exam Photos for Permit 33-07229

Please include the attached photos in the field exam information for 33-07229.

Thanks

Keith C. Wilson
Senior Resource Agent

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MAY 18 2000

POINTS OF DIVERSION 5-2-2000

33-07229

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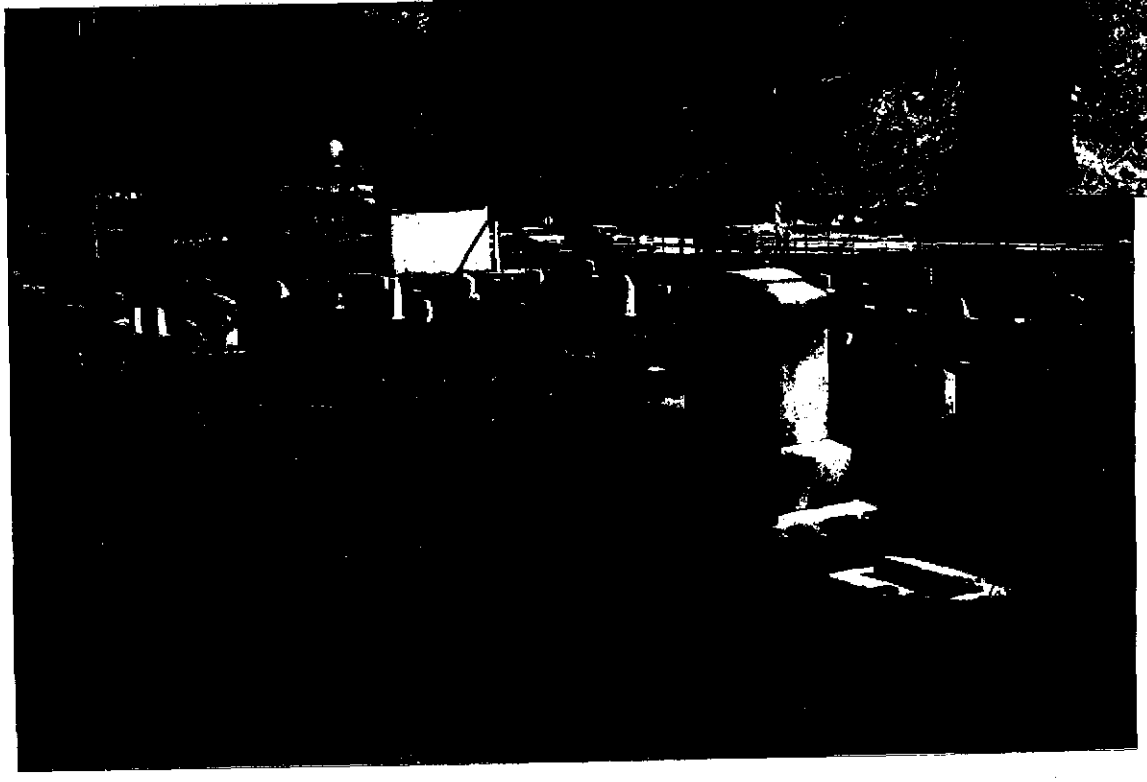
MAY 18 2000

PLACE OF USE



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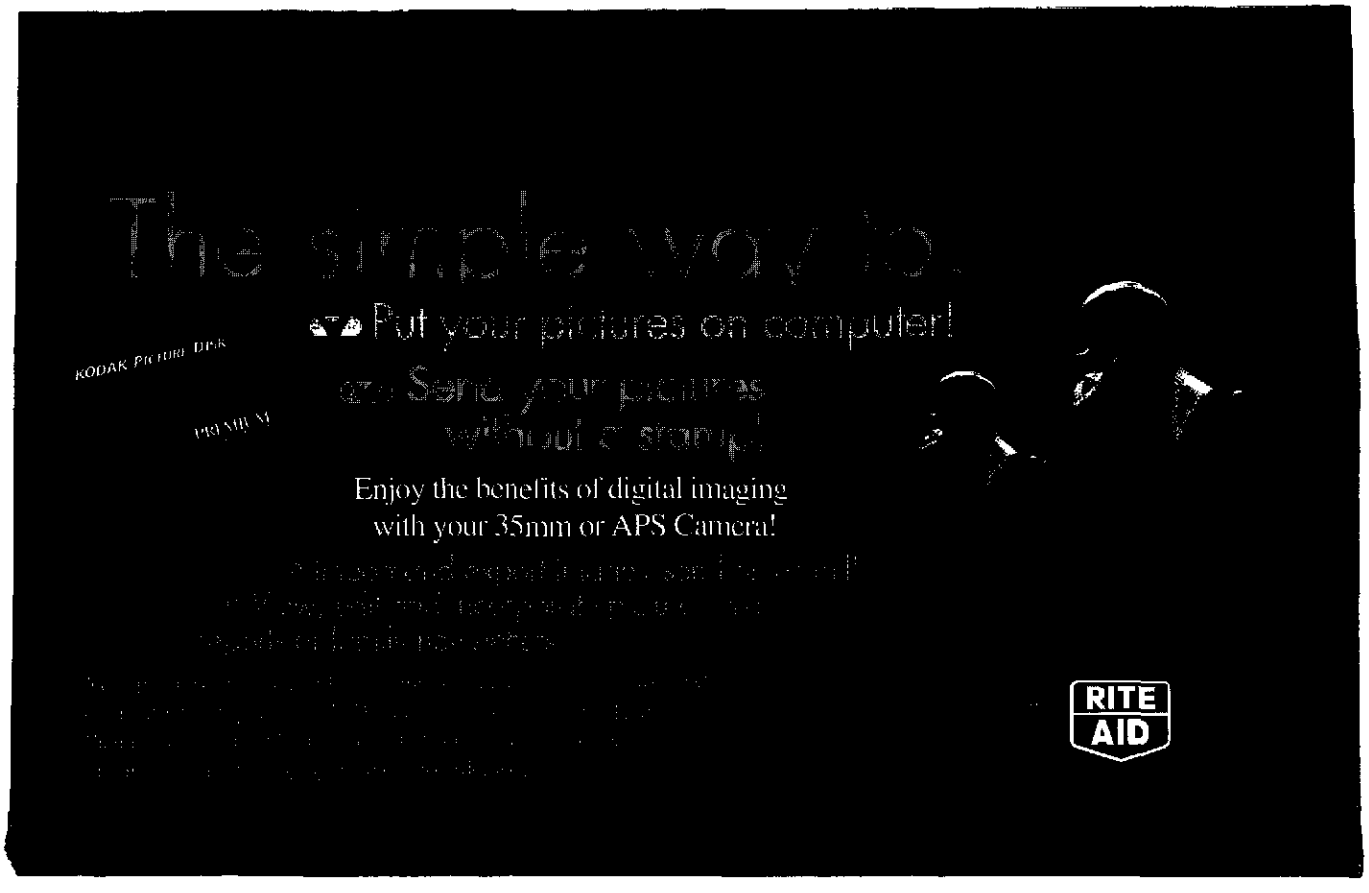
MAY 18 2000
33-07229


The simple way to
Put your pictures on computer!
Send your pictures
without a stamp!
Enjoy the benefits of digital imaging
with your 35mm or APS Camera!
RITE
AID

Memorandum

From: Jeff Peppersack April 28, 2000

To: Water Right Permit File No. 33-07229

Re: Phone Call from Steve Abbey of the Howe Water Dist. Regarding Permit

Mr. Abbey called to inquire about the above referenced permit. He said that the Butte County Cemetary Dist. received IDWR approval for an application to divert water from the Howe Water Dist. well. My review of the file found that the application was based on pre-1987 development of the water use from the Howe Water Dist. well. The permit was approved on that basis. The Howe Water Dist. has a pending application for the same use, but has not attempted to gain approval by asserting pre-1987 development.

The permit does not authorize construction of a new well and proof of beneficial use has already been submitted, so if a license is issued, it would show the point of diversion as the Howe Water Dist. well.

I called Mr. Abbey to explain what I found and he asked that they be notified in the event that the permit holder applies to change the point of diversion of the well.

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MAY 18 2000

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

January 20, 2000

BUTTE COUNTY CEMETERY MAINTENANCE DIST
PO BOX 302
ARCO ID 83213-0302

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 33-07229

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

Be advised that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office.

If you have questions concerning the field examination, please contact the **EASTERN** Regional Office of the department in Idaho Falls at (208) 525-7161.

Sincerely,

Kari Lynn Townsend
Secretary

c: IDWR - Regional Office

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FEB 0 2 2000

ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE

Permit No. 33-07229 Reviewed by YYS Date 1-19-00

GENERAL CONSIDERATIONS

yes Name same as permit?
yes Address same as permit?
yes Proof timely received?
If not, complete calculation below.

TYPES OF USE

NA

Correct Uses?_____

SOURCE OF WATER

_____ Surface water source

✓ Ground water source
_____ Drilling permit required?
_____ Copy in the file? Drilling Permit No._____
_____ Amount paid for permit _____Correct?
_____ Well log in the file?

LICENSE EXAMINATION FEE

yes Required?
50 Amount Submitted
yes Correct?

MEASURING DEVICE

_____ Required?
_____ Installed?
_____ Waiver requested?

PRIORITY CALCULATION

Date proof received	_____		_____
Date proof due	_____	-	_____
No. of days late	_____	=	_____
Priority Date	_____	+	_____
New Priority Date	_____		_____

DEFICIENCIES OR ACTION ITEMS

none / ock proof

DATA ENTRY

New Address_____ Proof Made 1-18-2000
_____

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

December 29, 1999

BUTTE COUNTY CEMETERY
MAINTENANCE DISTRICT
C/O GLENN PHILLIPS
PO BOX 302
ARCO ID 83213

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 33-07229

Dear Permit Holder:

The Department of Water Resources (IDWR) has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a **preliminary order** issued by IDWR pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action by IDWR unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.**

Enclosed is a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled "Proof of Beneficial Use". If your project is already completed, you should complete and submit this form immediately.

You should be aware that you are located within a drainage basin where surface water diversions are regulated by a watermaster. It is possible that diversion of groundwater under your right may cause a reduction of surface water flow. Siting your well as far as possible from surface water channels and casing your well so that groundwater tributary to surface water flows are not diverted will reduce the potential for the watermaster to regulate your water use.

This permit authorizes the appropriation of trust water. Trust water is defined as that portion of a particular hydropower water right which exceeds certain minimum stream flows established by state action, and is held in trust by the State of Idaho for the use and benefit of the people within the state. Conditions pertaining to a term review, annual use fee and

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jurisdiction of the permit are trust water conditions.

Also, please note that water right owners are required to report any change of water right ownership and/or change of mailing address to the department within 120 days of the change. Failure to report these changes could result in a $100 late filing fee. Contact any office of the department or visit the department's homepage on the Internet to obtain the proper reporting form.

If you have any questions, please call me at 208-327-7946.

Sincerely,

Shelley Walter Keen

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosures

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FEB 0 2 2000

CERTIFICATE OF MAILING

I hereby certify that on the **29th** day of **December, 1999**, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER (Approved Permit)** to the person(s) listed below:

Water Right No. 33-07229

BUTTE COUNTY CEMETERY
MAINTENANCE DISTRICT
C/O GLENN PHILLIPS
PO BOX 302
ARCO ID 83213

Kari Lynn Townsend
Secretary

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FEB 0 2 2000

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. **A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the Department within fourteen (14) days of the service date of the order. The Department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3), Idaho Code.

EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from a preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

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FEB 0 2 2000

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with a preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Department may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

(a) the petition for reconsideration is disposed of; or
(b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

i. A hearing was held,
ii. The final agency action was taken,
iii. The party seeking review of the order resides, or
iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MICROFILMED
FEB 0 2 2000

MEMORANDUM

TO: File 33-07229

FROM: Sharla

DATE: December 23, 1999

RE: Overlapping Application

On this date I spoke with Skip Jones (Eastern Region) about the possible overlap of this application with an application filed in 1995 by the Howe Water District (HWD) for 3 acres. Skip first confirmed that the acre on the cemetery maintenance filing is part of the 3 acres filed by HWD (in fact the cemetery is specifically mentioned on the application form along with churches, restaurants, school and homes). He further stated that the cemetery maintenance district has been using the well drilled by HWD in 1979 for irrigation of the cemetery dating back to pre-1987. The cemetery district has been paying enormous fees to HWD for this use and they spoke with Norm Young about their situation. The outcome was that they filed their own application for permit and will subsequently file for a change in point of diversion under their right so that they can drill their own well.

The application filed by HWD has been held since its filing due to the moratorium. The two other acres under this filing are for adjoining land, some of which is probably associated with HWD's "domestic" license 33-07067, but they have made no attempts to request processing under pre-1987 development so that application will continue to be held. Skip said that he would document that application file so that when processing is commenced, the place of use can be reduced to reflect the separate filing for the irrigation of the cemetery.

MICROFILMED

FEB 0 2 2000

APPLICATION FOR PERMIT
STATE OFFICE ANALYSIS
Reviewed by Sharla Curtis on 12/22/99

No. 33-07229 **Name:** Butte Co. Cemetery **Corp. Officers** ✓ **Ad ok** ✓ **Govt Lots** ——

AREA OF CONCERN: **No/Yes** Snake **Moratorium** _____ **GWMA** **TRUST/NON-TRUST**

GROUNDWATER: (√Flow Chart)

DRILLING PERMIT	
All wells	~~- 047(P03)~~ N/A - see cond 068
Basin 34	- 085
Irr. w/in WD	- **P05**
WMD	- North/East/West
≤ 0.24 cfs/5 acres	- No MD
> 0.24 cfs/5 acres	- 067
~~WMD~~	
Supp irr (irr = only use)	- 065-104
Supp irr (+ other uses)	- 100-105
≤ 0.24 cfs/5 acres	- No MD
~~> 0.24 cfs/5 acres~~	- 01M

SURFACE WATER: (√Flow Chart)

F&G contacted	- Yes/No Response _____
In/Above MSF	- WB9
PLANNING SECTION REVIEW/RESPONSE	_____
In-stream development	- **P52**
WD	- R04 (WD# _____)
≤ 0.20 cfs/others	- 01H(P01), 01P or No MD
> 0.20 cfs	- 01J(**P08**)
SPRINGS/SINK, INACTIVE WD & REST OF STATE	
≤ 0.24 cfs/5 acres	- No MD
>0.24 cfs/5 acres	- 01M or No MD

RIVER BASINS: (SW special considerations)

Snake R (01)	- W22(**P04**), N/A
(02,03)	- 007 (w/ remark WB9 if above Weiser)
Payette R (65)	- 047(**P04**) (Payette Lake)
Salmon R (70's)	- 029 (fish screens)
Weiser R (67)	- 086-087

LOCATION:

~~Boise Front LoGeo~~	- 058 (<85 GW)
~~Mitigation~~	- 121
42-248 Area	- **P84** (20s-70s, 81-86)
Swan Falls Flag	- ~~—~~
Trust	- 051(**P74**) (consumptive uses)
Non-Trust	- 048-049 (consumptive uses or non-cons. > 1.0 cfs)

USES:

STORAGE	- 18A-01H(**P01**),01P-18B(**P09**)-NA
IRR ≤ 5 ac	- R66/R67/R68/R69 (0.03 cfs/ac)
> 5 ac	- R62/R63/R64/R65 (0.02 cfs/ac)
STOCKWATER	- R37 (BLM/USFS)
MINING	- 054-081(**P10**)
FISH PROP	- 029(70'S only)-007-042-081(**P10**)
HEAT/COOL	- R07(injection well)
FIRE PROT.	- 077

USES:

POWER	- 17H-17K (+uses)-08A-025(**P18**)-01N-081(**P10**)
MUNICIPAL	
Restricted area	- 022,075
Irr., GW supp to SW	- 102
DOMESTIC	
Surface water	- WB5 (Big Wood or Boise above Star Bridge) 27A (Payette R)
>1 in restricted area	- 070-071-075(no parks/common areas, etc)
Irr use listed separate	- WB5
Moratorium approvable	- W03 (2400 gpd – meets domestic definition i.e. D/convenience store)

BENEFICIAL USE DUE: 5 / 01 / 2000

MISC CONDITIONS/REMARKS:

~~Protested~~	- 020-W19
Development Period	
≤ 1 yr	- **P16**
~~> 1 yr~~	- 26A(**P17**)
Ownership	- 004
~~Non-consumptive~~	- 027
~~Water Quality~~	- 081-R07
Multiple pd's per ¼¼	- W32
Subd lot desc (pd)	- W59
Subd lot desc (pu)	- W60
Use definitions	- W02 example – S/50 range
Pre-1987 development	- 068-074 (allow 120 days for proof due)
~~Single p/d intended~~	- 076

IRRIGATION SEASON 4/1 - 10/31 (Per updated map) ✓

OTHER CONDITIONS/REMARKS above Water Districts rights are 33 07067 (domestic 0.70 cfs) 33 07215 (DCS 0.09 cfs)

COMMENTS _____

RECEIVED
DEC 17 1999
DEPARTMENT OF WATER RESOURCES

RECEIVED
DEC 17 1999
Department of Water Resources

Dist for Staffing _____
Submitted for advertising 10-29-99

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT ANALYSIS PERMIT

Butte Co Courtesy

INITIAL REVIEW BY HWJ DATE 10-29-1999 APPLICATION NO. 33-07229

REQUIRED INFORMATION:

- ✓ Name (if applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.)
- ✓ Address
- ✓ Source (See USGS Quad for names of water sources)
- ✓ Point of Diversion (10 acres for spring, lot & block descriptions for subdivision, local name, flow and/or volume)
- ✓ County
- ✓ Quantity (flow and./or volume)
- ✓ Period of Use
- ✓ Nature of proposed use (Include description of use.)
- ✓ Description of diverting works
- ✓ Time required for beneficial use of water
- ✓ Place of use or acres irrigated
- ✓ Map
- ✓ Signature (If applicant is corp., partnership, or municpality, title of signatory is required)
- ✓ Fee
- ✓ Yes _____ No* In form to receipt

ADDITIONAL INFORMATION:

- _____ Overlapping place of use (Describe source & relationship to present application on the back)
- _____ Overlapping point of diversion
- _____ Yes _____ No Critical groundwater area
- _____ Yes _____ No Groundwater management area
- _____ Yes _____ No Send dam safety information
- _____ Yes _____ No Send fish farm requirement letter
- _____ Yes _____ No Power residency affidavit
- X Yes _____ No Within trustwater boundary (If yes, attach trust water supplementary analysis sheet)
- _____ Yes ✓ No **Public Water System**
- _____ Yes ✓ No **Planning section review**
- _____ Yes ✓ No **Moratorium Hold file**
- _____ See reverse side for additional information

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT

_____

_____

_____ Date Requested _____

PROCESSING:

- ✓ Yes _____ No In form for advertising
- _____ Yes ✓ No Statewide advertising
- ✓ Yes _____ No Fee amount, receipt date & No. recorded on application

SEND COPIES TO:

- _____ Id Dept of Health & Welfare
- _____ Id Dept of Fish & Game
- _____ Id Dept of Lands
- _____ Adjudication Bureau Unit
- _____ U.S. BLM
- _____ U.S. Forest Service
- _____ Water District
- _____ Other _____

FINAL REGIONAL PROCESSING REVIEW:

✓ Yes	___ No	Affidavit of publication received
✓ Yes	___ No	Application published correctly. If not, record action taken
✓ Yes	___ No	Publication dates & paper, recorded on application
___ Yes	✓ No	Protests received
		Final date for protest
___ Yes	___ No	Protests, dates, resolution of protest, recorded on application
___ Yes	___ No	Recommendations attached
___ Yes	___ No	Measuring device required
___ Yes	___ No	Access port required
___ Yes	___ No	Will water be delivered by watermaster? If yes, what District ___
___ Yes	___ No	Special conditions of approval or cover letter below.

Date of priority recommend 10-29-1999
By: RLW Date: 12-13-99
STATE OFFICE REVIEW:

By: Date:
ADDITIONAL INFORMATION:

LOCAL PUBLIC INTEREST:

Comments received from:

___ City	___ Id Fish & Game	___ Irrigation District
___ County	___ Id Health & Welfare	___ Canal Company
___ Reservations	___ Div. Of Environment	___ Other ___

Project impacts/implications report

COMMENTS

ACTION REQUIRED

12-13-99

FROM: H.C. Jones - Eastern

TO: Applic. 33-07229

Proofs filed by applicant to support the pre-1987 use include 4 affidavits, a cancelled check to Howe Water District dated 1985, and a 1987 Air photo showing the cemetary area.

RECEIVED
DEC 17 1999
Department of Water Resources

MICROFILMED

3 2 2005

BUTTE COUNTY CEMETERY
MAINTENANCE DISTRICT
ARCO, IDAHO 83213

1151

92-6/1241

5-20 19 85

Pay to the order of Howe Water District $ 40.00

Forty & no/100 Dollars

BUTTE COUNTY OFFICE

ARCO First Security Bank of Idaho
NATIONAL ASSOCIATION
P.O. BOX 56 • ARCO, IDAHO 83213

MICROFILMED
MAY 02 2000

Earl J. Faulkner COMMISSIONER
M. Koste SEC.-TREAS.

For April + May

"001151" "124100064: 258 0825? 15" "0000004000"

Rocky Mountain Bank Note PC

BUTTE COUNTY CEMETERY
MAINTENANCE DISTRICT
ARCO, IDAHO 83213

1151
92-6/1241

5-20 19 85

Pay to the order of Howe Water District $ 40.00

Forty & no/100 Dollars

BUTTE COUNTY OFFICE
First Security Bank of Idaho
NATIONAL ASSOCIATION
P.O. BOX 56 • ARCO, IDAHO 83213

Earl Faulkner COMMISSIONER
M. Koste SEC.-TREAS.

For April + May

⑈001151⑈ ⑆124000641⑆ 258 08257 15⑈ ⑈0000004000⑈

Check dated 5-20-1985
Shows payment by
Butte Co Cemetary
to Howe Water
District

MICROFILMED
FEB 0 2 2000

1 JE '85 10
PAY ANY BANK
1240-000

PROCESSED
PAY ANY BANK, P.E.G.
Security State Bank
TERRETON, IDAHO
92-328

JE 85 10

1240 064125 0825715

1000001151

PAY TO THE ORDER OF
ANY BANK

MICROFILMED
FEB 0 2 2000

TO : State of Idaho
Department of Water Rescources

SUBJECT: Application for Permit # 33-07229

Affidavit supporting the issueing of a permit for the Howe Cemetary

I, SIDNEY E. WERRY, a resident of Butte County,
Print name
residing in the Little Lost River area since19 61, hereby verifies to the best of my knowledge, that the Cemetary at Howe, Idaho was and does use water to maintain the grass and other trees prior to the year 1987, when the Howe Water District was formed.

Sidney E. Werry
Signature

State of Idaho, County of Butte,

On this 30th day of Nov 1999, before me, a Notary Public, personnally appeared SIDNEY E. WERRY, known or identified to be the person whose name subscribed to the within instrument, and being by me first sworn, declared that the statements therein are true, acknowledged to me that he executed the same.

Ernestine A. Tucker
Notary Public for ~~Idaho~~ AZ

OFFICIAL SEAL
ERNESTINE A. TUCKER
Notary Public - State of Arizona
MARICOPA COUNTY
My Comm. Expires June 4, 2001

Resding at PEORIA ~~Idaho.~~ AZ

My Commission expires JUNE 4 2001.

MICROFILMED
FEB 0 2 2000

TO : State of Idaho
Department of Water Rescources

SUBJECT: Application for Permit # 33-07229

Affidavit supporting the issueing of a permit for the Howe Cemetary

I, Donald Isham, a resident of Butte County,
Print name
residing in the Little Lost River area since19 34, hereby verifies to the best of my knowledge, that the Cemetary at Howe, Idaho was and does use water to maintain the grass and other trees prior to the year 1987, when the Howe Water District was formed.

Donald Isham
Signature

State of Idaho, County of Butte,

On this 6th day of December 1999, before me, a Notary Public, personnally appeared Donald Isham, known or identified to be the person whose name subscribed to the within instrument, and being by me first sworn, declared that the statements therein are true, acknowledged to me that he executed the same.

Virginia Pasmore
Notary Public for Idaho

Resding at Howe Idaho.

My Commission expires 4-6-01.

MICROFILMED
FEB 0 2 2000

TO : State of Idaho
Department of Water Rescources

SUBJECT: Application for Permit # 33-07229

Affidavit supporting the issueing of a permit for the Howe Cemetary

I, LEO D. AMY, a resident of Butte County,
Print name
residing in the Little Lost River area since19 26, hereby verifies to the best of my knowledge, that the Cemetary at Howe, Idaho was and does use water to maintain the grass and other trees prior to the year 1987, when the Howe Water District was formed.

Leo D. Amy
Signature

State of Idaho, County of Butte,

On this 29 day of November 1999, before me, a Notary Public, personnally appeared Leo D. Amy, known or identified to be the person whose name subscribed to the within instrument, and being by me first sworn, declared that the statements therein are true, acknowledged to me that he executed the same.

Dorothy Taylor
Notary Public for Idaho

Resding at Howe, Idaho.

My Commission expires 06-14-00.

MICROFILMED

FEB 0 2 2000

TO : State of Idaho
Department of Water Rescources

SUBJECT: Application for Permit # 33-07229

Affidavit supporting the issueing of a permit for the Howe Cemetary

I, EARL WORTLEY, a resident of Butte County,
Print name
residing in the Little Lost River area since19 24, hereby verifies to the best of my knowledge, that the Cemetary at Howe, Idaho was and does use water to maintain the grass and other trees prior to the year 1987, when the Howe Water District was formed.

Earl Wortley
Signature

State of Idaho, County of Butte,

On this 29th day of November 1999, before me, a Notary Public, personnally appeared Earl Wortley, known or identified to be the person whose name subscribed to the within instrument, and being by me first sworn, declared that the statements therein are true, acknowledged to me that he executed the same.

Dorothy Taylor
Notary Public for Idaho

Resding at Howe, Idaho.

My Commission expires 06-14-00.

MICROFILMED

FEB 0 2 2000

AFFIDAVIT OF PUBLICATION

I, Colleen Babcock
of the Arco Advertiser, a weekly newspaper of general circulation, published weekly at Arco, Idaho, since March, 1909, do solemnly swear that a copy of this notice, per clipping attached, was published weekly in the regular and entire issue of said newspaper, and not in any supplement thereof,

for 2 consecutive weeks, commencing with the issue dated Nov. 18, 1999

and ending with the issue dated Nov. 25, 1999

Colleen Babcock

STATE OF IDAHO }
COUNTY OF BUTTE }

On this 26th day of November in the year of 1999, before me, a Notary Public, personally appeared Colleen Babcock known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Thomas D. [illegible]
Notary Public for Idaho
Residing at Arco, Id
My commission expires: 1-23-2004

NOTICE OF APPLICATION FOR WATER PERMIT

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

33-07229

BUTTE COUNTY CEMETERY
MAINTENANCE DISTRICT
C/O GLENN PHILLIPS
BOX 302
ARCO, ID 83213
Source: GROUNDWATER
Diversion Pt: SENW Sec 4 T 05N R 29E in BUTTE County.
Use: IRRIGATION (0.030 CFS)
Total Diversion: (0.030 CFS)
Date Filed: 10/29/1999
In: BUTTE County
T05N R29E S09 NWNE
1.0 ACRES TOTAL

This is a pre-1987 use whereby we have used water from the Howe Water District well under contract.

Any protests against the proposed application must be filed with the Dept. of Water Resources, 900 N Skyline Dr., Ste A, Idaho Falls, ID 83402, together with a protest fee of $25.00 on or before DECEMBER 6, 1999 to be considered by the Department in its decision to grant or deny any part of the proposed application. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Published: 11/18/199 & 11/25/1999

MICROFILMED
FEB 0 2 2005

State of Idaho
DEPARTMENT OF WATER RESOURCES
900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

NOVEMBER 10, 1999

Legal Notices Department
THE ARCO ADVERTISER
P.O. DRAWER C
ARCO, ID 83213

Dear Legal Dept.:

Enclosed you will find legal notices which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

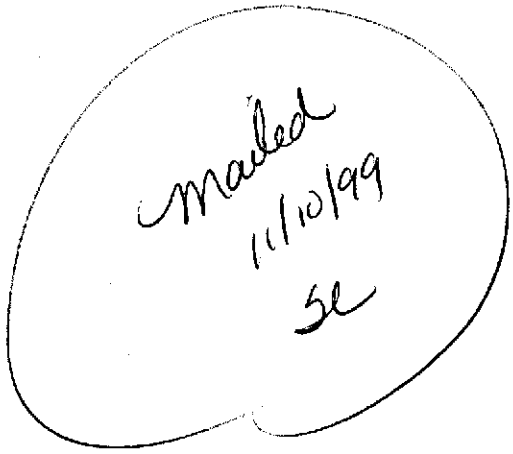
An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before DECEMBER 6, 1999.

Yours truly,

Sharla Cox
Senior Secretary

Encl.



MICROFILMED

FEB 0 2 2000

NOTICE OF APPLICATION FOR WATER RIGHT

The Following application(s) have been filed to appropriate the public waters of the State of Idaho:

33-07229

BUTTE COUNTY CEMETERY
MAINTENANCE DISTRICT
C/O GLENN PHILLIPS
BOX 302
ARCO, ID 83213

Source: GROUNDWATER

Diversion Pt: SENW Sec 4 T 05N R 29E in BUTTE County.

Use: IRRIGATION (0.030 CFS)
Total Diversion: (0.030 CFS)

Date Filed: 10/29/1999

In: BUTTE County
T05N R29E S09 NWNE

1.0 ACRES TOTAL

- This is a pre-1987 use whereby we have used water from the Howe Water District well under contract.

Any protests against the proposed application must be filed with the Dept. of Water Resources, 900 N Skyline Dr., Ste A, Idaho Falls ID 83402, together with a protest fee of $25.00 on or before DECEMBER 6, 1999. to be considered by the Department in its decision to grant or deny any part of the proposed application. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Published: 11/18/1999 & 11/25/1999

MICROFILMED

FEB 0 2 2000

State of Idaho
DEPARTMENT OF WATER RESOURCES
900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

November 9, 1999

BUTTE COUNTY CEMETERY
MAINTENANCE DISTRICT
%GLENN PHILLIPS
BOX 302
ARCO ID 83213

RE: Application for Permit #33-07229

Dear Applicant:

This office is currently in the process of advertising the application in the Arco Advertiser on November 18 and 25, 1999. The advertisement will be published once a week for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

Harold W. Jones

Harold W. Jones
Water Right Supervisor

HWJ::sc

MICROFILMED
FEB 0 2 2000

If an application for transfer is filed to change POD, Steve Abbey of the Howe Water District would like to be notified.